

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION No.10224 of 2019

IN CRL.OP.NO.18665 OF 2018

S.SATHISH KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CCB-ANTI GRABBING CELL,
TEAM-II, VEPERY,
CHENNAI.

CR.NO. 17 OF 2018.

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the condition by deleting The petitioner shall handover the said property to the defacto complaint within a period 8 weeks from the date execution of surety failing which the anticipatory bail granted to the petitioner shall stand automatically cancelled, without reference to this court" order passed in CRL.OP.NO.18665 OF 2019 dated 30/01/2019

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. NAMBISELVAN B., Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent and of No Appearance on behalf of the Intervenor, the court made the following order:-

This petition has been filed to modify the condition by deleting the condition that the petitioner shall handover the said property to the defacto complainant within a period of eight weeks from the date of execution of sureties.

2. The case of the prosecution is that the property situated at No.24, Chandran Nagar, Thiruneermalai Village, Pallavaram, Kancheepuram District belongs to the daughter of the defacto complainant which was purchased vide sale deed registered as document No.737 of 1999. Further alleged that the accused persons impersonated the defacto complainant's daughter and executed general power of attorney in their favour and on the based of general power of attorney, they also executed sale deed in favour of A4/the petitioner herein and registered as document No.5532 of 2017. Hence, the complaint.

3. It is seen that totally there are seven accused in this case and the petitioner is arrayed as A4. The first accused impersonated the defacto complainant's daughter and executed Power of Attorney in favour of A2 and A3, in turn, they sold out the disputed property to A4/petitioner herein. A5 and A6 are the witnesses to the Power of Attorney executed by A1. A7 is the master brain to the entire crime. The petitioner herein is the bonafide purchaser and purchased the disputed property for the valid sale consideration of Rs.1,28,79,045/-. It is also seen that the petitioner obtained planning permission to construct a house in the disputed property. The petitioner also filed suit in O.S.No.143 of 2019 before the Principal District Munisif, Alandur as against the defacto complainant i.e., the real owner of the property and the Court below has also granted interim injunction in favour of the petitioner herein.

4. It also is seen that this Court while granting anticipatory bail to the petitioner imposed conditions by an order dated 30.01.2019 in Crl.O.P.No.18665 of 2016 that the petitioner shall deposit the original title deed in respect of the property situated at No.24, Chandran Nagar, Thiruneermalai Village, Pallavaram, Kancheepuram District registered at document No.5532 of 2017 to the credit of Crime No.17 of 2018 within a period of two weeks and on further conditions that the petitioner shall hand over the possession of the said property to the defacto complainant within a period of eight weeks from the date of execution of sureties. Accordingly the petitioner deposited the title deed to the credit of crime number and as far as the possession is concerned he moved this modification petition.

5. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor produced the report filed by the first respondent Police and also submitted that the first respondent police completed the investigation and also filed a final report before the learned Judicial Magistrate, Alandur for the offences punishable under Sections 419, 465, 467, 468, 471 r/w 34 of IPC as against six accused persons, in which the petitioner has been shown as one of the witnesses and the said case is now pending for taking cognizance before the learned Judicial Magistrate, Alandur.

6. Considering the above facts and circumstances of the case, the condition that the petitioner shall hand over the possession of the said property to the defacto complainant within a period of eight weeks from the date of execution of sureties stands deleted. Other conditions shall remain intact.

7. Accordingly this petition is ordered.

-sd/-
26/08/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.II, EGMORE, ALLIKULAM, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
ALANDUR.

4 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
CCB-ANTI GRABBING CELL,
TEAM-II, VEPERY, CHENNAI.

+1C.C. to M/S. NAMBISELVAN B. Advocate on payment of
necessary charges SR NO.17758

WEB COPY

Order

in

CRL MP.10224/2019

in

CRL OP.18665/2019

Date :26/08/2019

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MK:28/08/2019

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