



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9585 of 2019

G.Balakumar

... Petitioner/Accused-1

Vs

State rep by
The Inspector of Police,
District Crime Branch,
Madurai
Crime No.7 of 2019

... Respondent/Complainant

T.R.Pandi

...Petitioner/Intervener/
Defacto Complainant

For Petitioner : M/s.M.Karal Marx,
Advocate.

For Intervenor : Mr.C.Mahilvahana Rajendran, Advocate

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

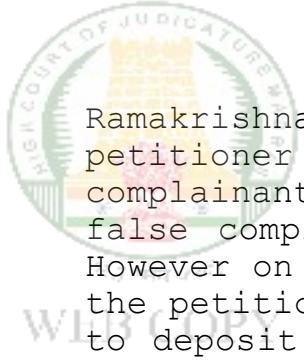
For Bail in Crime No. 7 / 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.1 seeking bail for the alleged offence under Sections 120(B), 465, 466, 468, 471 and 420 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and no such occurrence has taken place. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 12.06.2019 and he is in custody for the past 38 days. The petitioner is the power agent of one

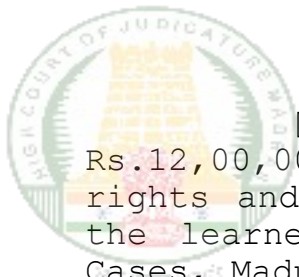


Ramakrishnan, who is living in USA and based on the said power, the petitioner executed a sale deed in favour of the defacto complainant's daughter on 02.11.2018. The defacto complainant gave a false complaint against the petitioner to extract money from him. However on instructions from the petitioner, the learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.12,00,000/- without prejudice to his rights and contentions to the credit of Crime No.7 of 2019 before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Madurai. Therefore he prayed to grant bail to the petitioner.

4. The learned counsel for the intervenor would submit that the petitioner herein and other accused have forged the signature of the original owner of the property and created a power of attorney and sold the property to the daughter of the defacto complainant. He would further submit that A1 along with other accused have created a life certificate of Principal as if he was present before the Doctor on 23.10.2018 and they have also forged the signature of the doctor as well as the principal. He would also submit that the total sale consideration is Rs.15,78,000/- and the defacto complainant had paid a sum of Rs.12,00,000/- to A1 as cash. A cheque was issued in favour of A1 for a sum of Rs.3,78,000/- and the same has been encashed by him. He further submitted that the petitioner has cheated the defacto complainant and hence he strongly opposed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that there are totally four accused in this case and the petitioner herein is A1, who is a power agent of one Ramakrishnan. The defacto complainant in this case is Surveyor. The above said Ramakrishnan, who is living abroad has 5 cents of land at Karadipatti Village. A1 executed a sale deed in favour of the daughter of the defacto complainant in respect of the above 5 cents land claiming that he is the power agent of the said Ramakrishnan. The total sale consideration is Rs.15,78,000/- and the defacto complainant had paid a sum of Rs.12,00,000/- to A1 as cash. A cheque was issued in favour of At for a sum of Rs.3,78,000/- and the same has been encashed by him. After registration, when the defacto complainant went to the plot, where some other persons are residing and claiming that they are the owners of the property and thereafter the defacto complainant came to know that A1 to A4 created false life certificate and other documents and cheated the defacto complainant. Hence he strongly opposed to grant bail to the petitioner.

6. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 38 days and also considering the fact that the petitioner has voluntarily come forward to deposit a sum of Rs.12,00,000/- without prejudice to his rights and contentions before the trial Court, this Court is inclined to grant bail to the petitioner by imposing conditions:



[a] the petitioner is directed to deposit a sum of Rs.12,00,000/- (Rupees Twelve lakhs only) without prejudice to his rights and contentions to the credit of Crime No.7 of 2019 before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Madurai.

[b] the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Special Court For, Land Grabbing Cases, Madurai.

[c] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/07/2019

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Sub-Assistant Registrar (C.S-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

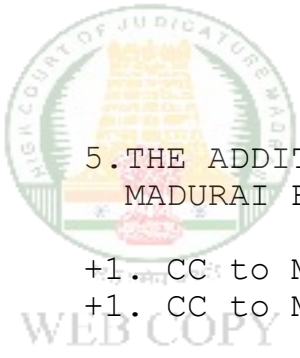
TO

1. THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES, MADURAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI.

<https://hcservices.mca.gov.in/hcservices/>
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.KARAL MARX Advocate SR.No.11546

+1. CC to Mr.C.MAYIL VAHANA RAJENDRAN Advocate SR.No.11534

ORDER

IN

CRL OP(MD) No.9585 of 2019

Date :11/07/2019

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TK/PN/SAR.2/11.07.2019/4P/8C