

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of February Two Thousand Twenty
PRESENT

The Hon'ble Mr Justice N. SESHASAYEE
CRIMINAL ORIGINAL PETITION No.1751 of 2020
AND CRL.MP.NO.1409 OF 2020

P.DHANA SURIYA @ SURIYA @ SURESH KUMAR [PETITIONER / ACCUSED]

Vs

STATE BY INSPECTOR OF POLICE [RESPONDENT]
CHENNAI CENTRAL CRIME BRANCH,
EDF III, TEAM-V,
VEPERY, CHENNAI-600 007
(CRIME NO.35/2015).

S.VENKATESHAN [PETITIONER / DEFACTO COMPLAINANT]
[Ordered as per order of this Court dated 05/02/2020 made in
CRL.MP.NO.1409 OF 2020 IN CRL.OP.NO.1751 OF 2020]

For Petitioner : M/S.S.RAMACHANDRAN Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate
O/O.PUBLIC PROSECUTOR

For Intervenor : M/S.R.SANKARAKUTRALINGAM Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 26.11.2019, for the offence punishable under **Sections 467, 468, 471 420 r/w 34 of IPC, in Crime No.35 of 2019** on the file of the respondent police, seeks bail.

2. The case of the prosecution may stated briefly as below:

A certain piece of land originally belonged to one Venkatraman. On 23.09.2008, the said Venkatraman is said to have executed a registered General Power of Attorney in favour of A1/petitioner herein. On the strength of which, he had executed a sale deed dated 13.10.2008, in favour of his adopted daughter, who is arrayed in this case as A2. Within few days there of i.e., on 24.10.2008, A2 had executed a General Power of Attorney in favour of the defacto complainant herein and the defacto complainant is said to have paid a consideration of Rs.50 lakhs to A1 and A2, but https://casefile.courts.madras.gov.in/cases/

Attorney, the defacto complainant was about to develop the said property, he sensed something fishy about the original power of attorney which Venkatraman is said to have executed in favour of A1. It appears that the defacto complainant was following up the same with A1 for sometime. As there was no clarity about it, the defacto complainant approached the respondent police and laid the complaint, based on which, the present case came to be registered.

3. The learned counsel appearing for the petitioner submitted that for an offence said to have committed in 2008, a FIR came to be registered seven years later and arrest was made some four years thereafter, to be precised on 27.11.2019. He added the petitioner is in Judicial custody for close to 70 days and that he is keen to settle the issue with the defacto complainant. He also added that the petitioner without prejudice to his defense in this case will not insist of limitation of laying a suit for resolving the dispute now raised by the defacto complainant.

4. Opposing the bail, the learned Government Advocate submitted that the petitioner is a legend of a slut that is having achieved a degree of super speciality in this category and more than 29 cases is already pending against him and in part of which, the trial is underway and the rest are under investigation. However he added that if the petitioner is granted bail his proven propensity to commit the crime will only going to allow him to engage him a fresh set of crime.

5. Mr.R.Sankarakutralingam, appearing for the Intervenor/defacto complainant argued that the petitioner has been dilly-dallying with the design and cheated the defacto complainant of his money, that he neither has a title to the property, nor any premise of acquiring title to the property, nor he guaranteed to return money to the petitioner.

6. The learned counsel for the petitioner submitted that in all other cases, where the petitioner faces trial, six cases though NBW was issued, they have been recalled since then. He further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- to the credit of Crime No.35 of 2019 to show his bonofide and added that without prejudice to the defence, the Court may give liberty to the defacto complainant to withdraw the amount.

7. Appreciating wholesomely, this Court deems it appropriate to grant bail to the petitioner by putting him to stringent conditions;

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties out of which, one shall be blood/relating surety, each for a like sum to the satisfaction of

the **learned Judicial Magistrate, Tambaram,** and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.50,000/- into the credit of Crime No.35 of 2019, forthwith and shall resolve the outstanding dispute (As has been undertaken by the petitioner through his counsel before this Court today) within a period of four months from the date on which, the petitioner produces surety and executes bail bond.

[c] the petitioner shall report before the respondent police thrice a day i.e., daily at 10.30 a.m., 02.30 p.m., and 05.30 p.m., for a period of one month and twice a day i.e., daily at 10.30 and 5.30 p.m. for a period of one month. Thereafter, report daily at 10.30 a.m. until further orders.

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

[e] the petitioner shall not abscond 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/-

05/02/2020

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 JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

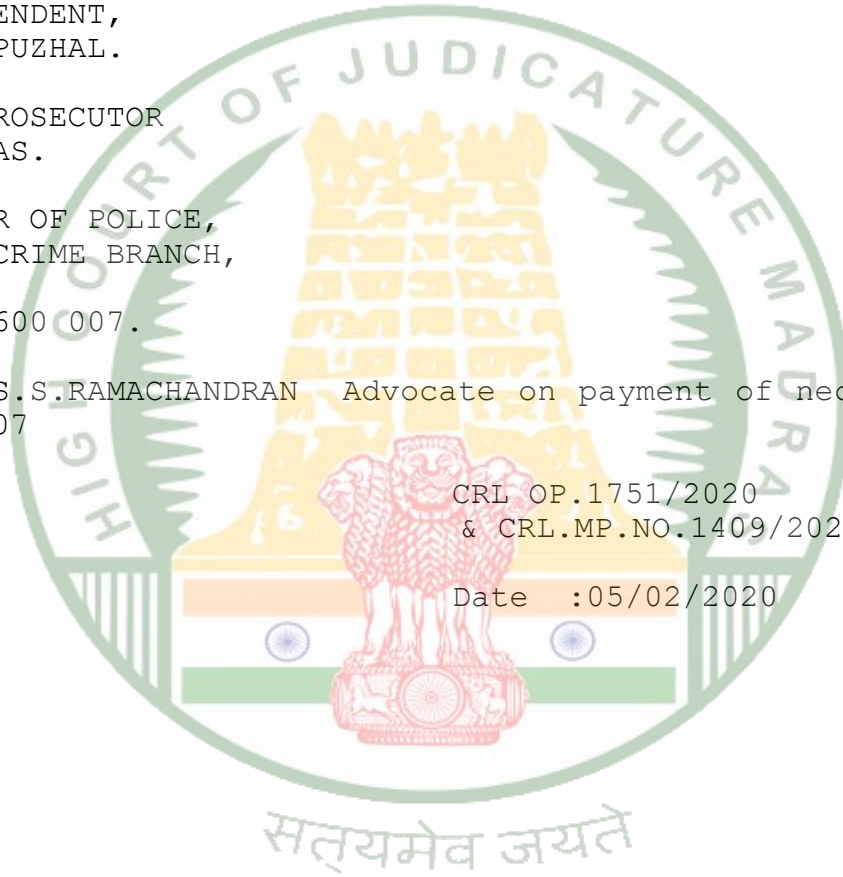
5 THE INSPECTOR OF POLICE,
CHENNAI CENTRAL CRIME BRANCH,
EDF III, TEAM-V,
VEPERY, CHENNAI-600 007.

+1CC to M/S.S.RAMACHANDRAN Advocate on payment of necessary
charges SR NO.2207

CRL OP.1751/2020
& CRL.MP.NO.1409/2020

Date :05/02/2020

MK:05/02/2020



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