

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 7414 of 2020

Gaja @ Gajendran

... Petitioner

Vs.

State Rep. By

... Respondent

The Inspector of Police,
Peerankaranai Police Station,
Chennai.

Cr.No.22 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.22 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.03.2020 for the offence punishable under Sections 420, 468, 471, 294(b) & 506(1) of I.P.C., in Crime No. 22 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.12.2019 at about 20 hours, the defacto complainant lodged a complaint alleging that they decided to purchase a property. Since the petitioner/accused was very well known to their family, he advised to purchase a property ad measuring 1440 sq.ft., and he described the property as patta land. Believing the words of the petitioner, for the sale consideration of Rs.7,20,000/-, the defacto complainant advanced a sum of Rs.1000/- and also on the next day, another sum of Rs.4,50,000/- to the petitioner and executed the sale agreement. After a period of three months, the defacto complainant came to understand that the said land is not a patta land and it is a poramboke land. When it was questioned by the defacto complainant, the petitioner refused to

return back the said amount and also threatened her with dire consequences. Hence, this complaint.

3. The learned counsel for the petitioner submitted that the father of the defacto complainant is working as a Traffic Constable in the respondent police station. Therefore, he knows about the property as a poramboke land. Knowing very well, they fixed the sale consideration for sum of Rs.7,20,000/-and as such, the petitioner has nothing to do with the crime as alleged by the prosecution. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) submitted that the petitioner is a habitual offender and he involved in more than 25 cases. He was already detained under Goondas on two occasions and thereafter, the detention order was quashed. He also submitted that if the petitioner let out on bail, again he indulge in same kind of crimes. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the petitioner entered into a sale agreement to sell the property which is classified as poramboke land, in favour of the defacto complainant for sale consideration of Rs.7,20,000/-. The defacto complainant also paid a sum of Rs.4,50,000/- as an advance and subsequently, she found that the property which was intended to purchase is classified as poramboke land. Suppressing the said fact, the petitioner received a sum of Rs.4,50,000/- and also refused to return the said amount to the defacto complainant. Further, he is an habitual offender and involved in more than 25 similar kind of cases. In fact, he was already detained under Goondas on two occasions.

6. Therefore, considering the above facts and circumstances, this court is not inclined to enlarge the petitioner on bail and the petition stands dismissed.

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04/05/2020

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 PRINCIPAL SESSIONS JUDGE,
CHENGALPATTU, KANCHIPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PEERKANKARANAI POLICE STATION,
CHENNAI.

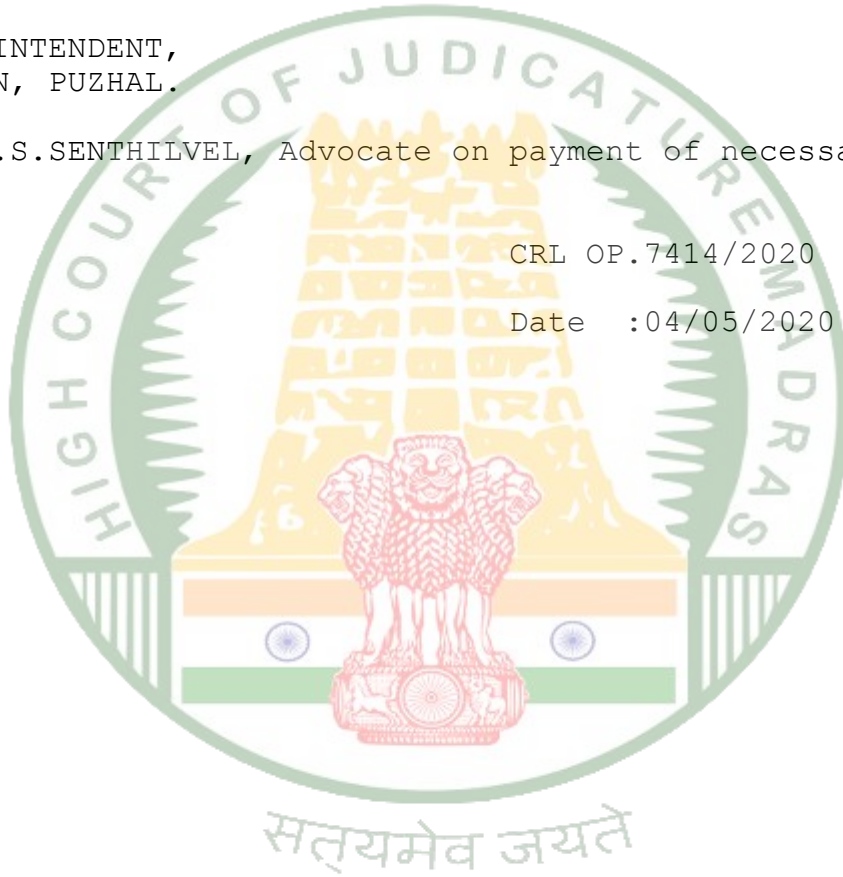
4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to MR.S.SENTHILVEL, Advocate on payment of necessary charges

CRL OP.7414/2020

Date :04/05/2020

TA-17/06/2020



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