



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7489 of 2020

V.Suresh

.... Petitioner

Vs.

State Rep. by
Inspector of Police,
Antiland Grabbing Special Cell-II,
Team-XXII, Central Crime Branch,
Vepery, Chennai-600 007.
Cr. No. 65 of 2019.

... Respondent

Prayer: Criminal Original Petition filed under Sections 439 & 164(2) of Cr.P.C. to enlarge the petitioner on bail in Crime No.65 of 2019 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

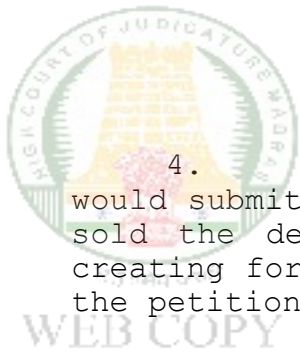
For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.03.2020 for the offence punishable under Sections 419, 465, 467, 468, 471 and r/w.34 of IPC in Crime No.65 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property comprised in Plot No.200, Stage VI, Situated at Sri Sankara Nagar, Chennai and she purchased the property vide sale deed Document dated 01.12.1995, which was duly registered before the SRO Pallavaram vide Doc.No.5982/1995 and she was in possession and enjoyment of the property. Thereafter in order to sell her land, she obtained encumbrance certificate from SRO Pallavaram on 28.02.2019. After receiving the encumbrance certificate, she came to know that the petitioner along with other accused persons sold her property to one Kamaraj by way of forged documents. Hence the compliant.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the matter has already been settled in favour of the defacto complainant and the co-accused has already been released on bail and that the petitioner is in judicial custody from 06.03.2020. Hence he seeks for bail to the petitioner.



4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner along with the other accused persons sold the defacto complainant's property to third party by way of creating forged documents. Hence, he opposed for the grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 06.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner shall execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

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

[d] The petitioner shall produce the copy of the document by the other accused persons in respect of the disputed property within a period of four weeks from the date of release from the prison.

[e] the petitioner shall report before the respondent police daily at 10.30 a.m from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

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

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

[h] 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].

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



6. With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-sd/-

11/05/2020

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 JUDICIAL MAGISTRATE,
TAMBARAM

2 THE PRINCIPAL & SESSIONS JUDGE
KANCHEEPURAM DISTRICT, CHENGALPET

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTORE OF POLICE
ANTILAND GRABBING SPECIAL CELL II
TEAM -XXII CENTRAL CRIME BRANCH,
VEPERY CHENNAI 600007.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.7489/2020

Date :11/05/2020

RVR 07/08/2020