

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.Nos. 7490 of 2020

V.Suresh

.... Petitioner

Vs.

State Rep. by
Inspector of Police,
Antiland Grabbing Special Cell-II,
Team-XXII, Central Crime Branch,
Vepey, Chennai-600 007.
Cr. No. 17 of 2018.

.... Respondent

Prayer: Criminal Original Petition filed under Sections 439 & 164(2) of Cr.P.C. to enlarge the petitioner on bail in Crime No.17 of 2018 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 06.03.2020 for the offence punishable under Sections 419, 465, 467, 468 and 120(b) of IPC in Crime No.17 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter namely Uma got married and settled in USA. In the year 1999, she came to India and purchased a land at Thiruneermalai Village comprised in Survey No.388/49 to a total extent of 2541 Sq.ft which was registered before the SRO Pammal vide Doc.No.737 of 1999. Thereafter, the defacto complainant was maintaining the land. While so, the petitioner along with others sold the said property to third party by way of impersonation and forging documents. Hence, the compliant.

3. The learned counsel appearing for the petitioner would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. He would submit that the co-accused has already been released on bail and the petitioner is in judicial custody for more than 60 days 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 property of the defacto complainant's daughter, to third party by way of impersonation and 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 executed 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.

-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 INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL-11,
TEAM-XXII, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI-7.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

CRL OP.7490/2020

Date :11/05/2020

RVR 07/08/2020

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