

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7495 of 2020

Thangavel

... Petitioner

Vs

State rep. by
The Inspector of Police
Ranipet Police Station
Vellore District.
(Crime No.380 of 2012)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.380 of 2012 on the file of the respondent police.

For petitioner : Mr.R.John Sathyan

For respondent : Mr.M. Mohammed Riyaz
Additional Public Prosecutor (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.04.2020 for the offence punishable under Sections 406, 420, 506 (i) of IPC in Crime No.380 of 2012 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint on 24.06.2012, alleging that he has purchased a property situated in Vanaganoor Village, R.K.Pet Taluk, Tiruvallur District on 16.10.2008. Thereafter the defacto complainant executed General Power of Attorney on 04.12.2008 in favour of the 1st accused, to develop the property. Further, the defacto complainant cancelled the General Power of Attorney on 13.03.2009 and that the 1st accused along with other accused persons, sold out the said property on the very same day, with the help of the petitioner herein, who is the purchaser. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the case is of the year 2012. The 1st accused approached this Court for anticipatory bail in CrI.OP.No.10905 of 2013 and this Court has granted the same by its order dated 26.04.2013. Since the petitioners could not be able to furnish the sureties within the stipulated time prescribed in the anticipatory bail, this Court has cancelled the anticipatory bail by its order dated 13.03.2020 in CrI.OP.No.28093 of 2019. Subsequently the petitioner herein was

arrested and remanded to judicial custody on 07.04.2020. He further informed that the defacto complainant has filed a civil suit in O.S.No.25 of 2016 on the file of the learned I Additional District Judge, Tiruvallur, and the same is pending. As far as the petitioner herein is concerned, he is being purchaser, nothing to do with the crime as alleged by the prosecution. He further informed that he is not having any bad antecedents and pleaded to grant bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner is arrayed as A2 and he is a purchaser. The defacto complainant originally executed the General Power of Attorney in favour of the 1st accused. Thereafter on 13.03.2009, it was cancelled vide registered cancellation deed and on the very same day, the 1st accused along with other accused persons, including the petitioner herein had executed the sale deed to various persons towards the said property and hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the crime is of the year 2012 and in the year 2016 the complainant initiated suit for the subject property and it is pending. Further the defacto complainant filed the petition to cancel the AB in the year 2019. Considering the above facts and circumstances and taking into consideration the nature of allegations against the petitioner in the FIR and taking note of the fact that the petitioner is in judicial custody from 07.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the Superintendent of the concerned prison;

[b] 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 cancelled 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 report before the respondent police from 15.06.2020 to 26.06.2020, at 10.30 am, thereafter as and when required for interrogation;

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A 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 PRINCIPAL SESSIONS JUDGE,
VELLORE.

2 THE JUDICIAL MAGISTRATE,
RANIPET.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
RANIPET POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges

CRL OP.7495/2020

Date :11/05/2020

RVR 07/08/2020