

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No.18311 of 2017

M.Peer Moideen

... Petitioner

vs.

1.R.Thilagam

2.The State Rep. by
Sub-Inspector of Police,
C4-Somamangalam Police Station,
Somamangalam, Kanchipuram Dist.
(Cr. No.153 of 2013)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to cancel the bail granted to Thilagem, the first respondent herein by the Judicial Magistrate of Sriperumputhur in Crl.M.P. No.2731 of 2014 dated 14.12.2014.

For Petitioner : No Appearance
For Respondent-2 : Mr. S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed to cancel the bail granted to Thilagem, the first respondent herein by the Judicial Magistrate of Sriperumputhur in Crl.M.P. No.2731 of 2014 dated 14.12.2014.

2. The case of the prosecution is that the first respondent had purchased the disputed property from one Madhu on 28.04.2009 through her power agent Manjula. Thereafter, the first respondent had put up construction on the above said property. The defacto complainant lodged complaint alleging that the first petitioner and three other person had purchased the disputed property in Plot No.7 in S.No.380/2 on 31.03.1997 from Murray through his power agent Solaiyappan. Thereafter, one Christi David has fabricated a settlement deed in favour of his wife Madhu who executed power of attorney in favour of Manjula. The said Manjula sold out the property in favour of the first respondent herein. Further, alleged that the said Christi David and Madhu had already cancelled the sale deed executed in

favour of Manjula. Even after having knowledge about the cancellation of sale deed executed in favour of Manjula, the first respondent herein had purchased the property thereby committing offence. In fact, the District Munsif cum Judicial Magistrate, Sriperumbudur, had considered the above nature of allegation and was pleased to grant bail to the first respondent herein in C.M.P. No.2731 of 2014 on 04.12.2014. Now, the present Criminal Original Petition has been filed by the de facto complainant challenging the bail order only on 31.08.2017 that too on the ground of mentioning wrong age of the first respondent herein and that the trial Court without considering the gravity of the offence committed by the first respondent.

3. Learned Additional Public Prosecutor appearing for the second respondent would submit that after completion of the investigation absconding charge sheet has been laid and the same has been taken cognizance in C.C.No.286 of 2014 on the file of the District Munsif cum Judicial Magistrate, Sriperumbadur and it is pending for trial. Since, the first respondent never appeared before the trial Court, the second respondent filed absconding charge sheet in Cr. No.153 of 2013.

4. Considering the above submission, this Court is not inclined to cancel the bail granted to the first respondent herein. Accordingly, this Criminal Original Petition is dismissed. However, the second respondent is directed to secure the first respondent and proceed, in accordance with law.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate, Sriperumputhur

2.The Sub-Inspector of Police,
C4-Somamangalam Police Station,
Somamangalam, Kanchipuram Dist.

3.The Public Prosecutor,
High Court of Madras.

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RSV(CO)
SP(28/10/2020)