

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1825 of 2021

1 PUNITHAVEL
2 A.SATHISH

[PETITIONERS / ACCUSED]

Vs

[RESPONDENT]

STATE REP BY,
ASSISTANT COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH,ALGSC-II,
GREATER CHENNAI POLICE,
VEPERY,CHENNAI-07.
CR NO.90/2020.

For Petitioner : M/S.S.SATHISH RAJAN Advocate

For Respondent : Mrs.M.Prabhavathi Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Petitioners, who were arrested and remanded to judicial custody on 02.12.2020 for the offence punishable under Sections 419, 465, 467, 468, 471 & 120-B IPC in Crime No.90 of 2020, seek bail.

2. Totally there are 7 accused. The petitioners are A7 and A2. The case of the prosecution is that all the accused conspired together, and A1 impersonating himself as deceased Surendra Babu and executed power of attorney in favour of A2 and by using the said Power of Attorney, A2 sold the property to A4 through his power agent A3. Hence, a case has been registered against the petitioner.

3. The counsel for the petitioners submit that now they are ready to cancel the sale deed, which is the subject matter of this petition. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor submits that till date petitioners along with other accused, namely, A3 and A4, who are the purchasers of the property have not cancelled the sale deed . Hence she vehemently opposed for grant of bail to the petitioners.

5. On perusal of the records it is seen that the petitioners along with other accused, namely, A3 and A4, who are purchasers of the property, had agreed to cancel the sale deed, which is the subject matter of this petition and for the said purpose, this Court had granted interim bail to the petitioners on 05.02.2021 and the matter was posted for compliance on 15.03.2021.

6. When the matter was taken up for hearing on 15.03.2021, it was informed that the said deed was yet to be cancelled and at the instance of the petitioners, the interim protection granted to the petitioners was extended by this Court.

5. In spite of grant of opportunities by extending the time and granting interim protection, the petitioners, to show their bona fides, have not taken any steps to cancel the sale deed, which is the subject matter of this petition. The act of the petitioners in not taking any steps to cancel the sale deed, but only praying for time and extension of interim protection, clearly shows their mala fide intent and their intention to stay protected without adhering to the undertaking given by them. In such a backdrop, this Court is of the considered opinion that the petitioners cannot be allowed to take this Court for a ride by having their interim protection extended without performing their part of the undertaking given to this Court and, therefore, the interim bail granted to the petitioners cannot be allowed to continue.

Accordingly, this Criminal Original Petition is dismissed and the interim order granted by this Court is vacated. The respondent police is directed to take steps to secure the accused forthwith.

-sd/-
15/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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4 ASSISTANT COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH,ALGSC-II,
GREATER CHENNAI POLICE,
VEPERY,CHENNAI-07.

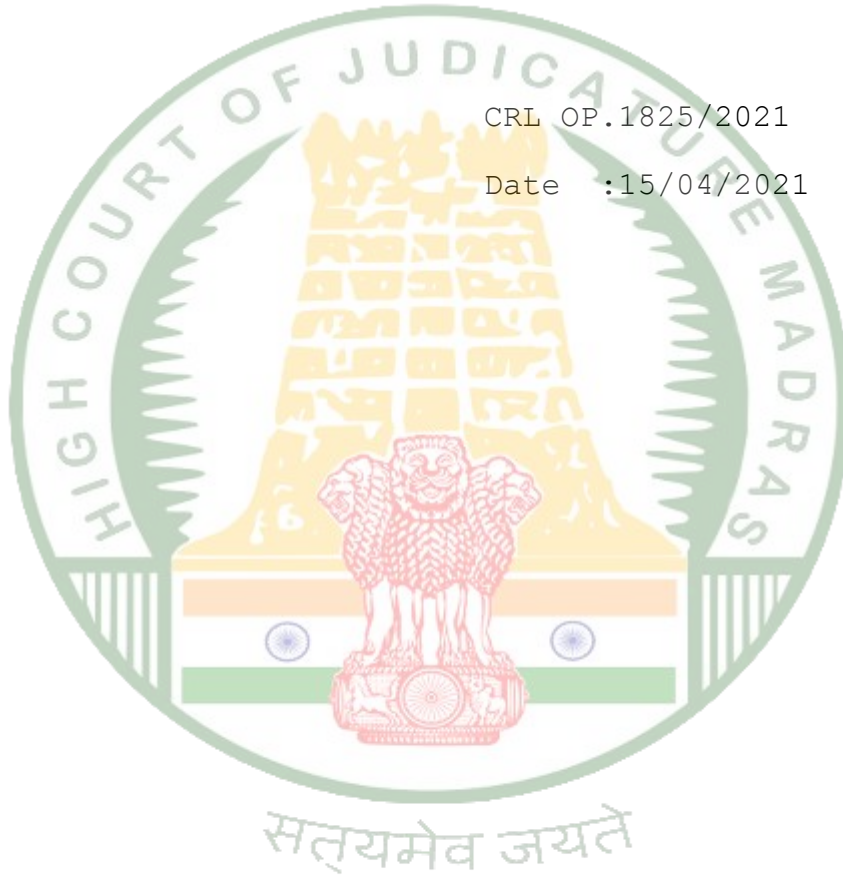
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S.S.SATHISH RAJAN Advocate on payment of necessary
charges

CRL OP.1825/2021

Date :15/04/2021

RVR 10/05/2021



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