

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4199 of 2021

Sundarrajan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Villupuram Police Station,
Villupuram.
(Crime No.22 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.22 of 2020 on the file of Respondent police.

For Petitioner : Ms.Poornima

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

For Intervenor : Mr.Padmanabhan

O R D E R

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 03.02.2021 for the offence punishable under Sections 420, 468, 471, 109, 506(ii) of I.P.C. in Crime No.22 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property. In the year 2016, the petitioner, who was working in a hospital has taken the defacto complainant, old lady, in the guise of changing family card, has registered the sale deed in his favour. Thereafter, in the year 2017, the petitioner, adopted son, had

came to know about the facts and in the year 2020, the present complaint has been filed, and the criminal case has been registered against the petitioner, he was arrested and remanded to judicial custody on 03.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he has purchased the property in the year 2017 after paying entire sale consideration. Thereafter, she and her adopted son interfered with his possession. Hence, he has filed a suit in O.S.No.13 of 2019 on the file of Principal District Munsif, Villupuram and he has also got injunction in I.A.No.117 of 2019. Thereafter, the present complaint has been filed in the month of August 2020 by giving a criminal colour to the civil dispute. Accordingly, a criminal case has been registered against the petitioner and he is in jail from 03.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned counsel appearing for intervenor would vehemently contend that the petitioner has cheated a old lady, and created a forged sale deed in his favour, thereby cheated her.

5. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that even though the complaint has been given in the year 2017, only in the year 2020, it has been registered. Now, the investigation is still pending.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, the sale deed has been executed in the year 2016, admittedly, the petitioner has also filed a suit against the defacto complainant and others and he has obtained interim order in the month of June 2019, and the present complaint has been registered in the month of August 2020, now the investigation is almost completed, there is no previous antecedents against the petitioner and considering the period of incarceration suffered by the petitioner from 03.02.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Villupuram and on further conditions that:

(b) 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;

(c) the petitioner, after his release from prison, report before the respondent as and when required for interrogation;

(d) the petitioner shall not commit any offences of similar nature;

(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 Judicial 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 229A IPC.

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

-sd/-

08/03/2021

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,
NO.I, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT MUNSIF,
VILLUPURAM.

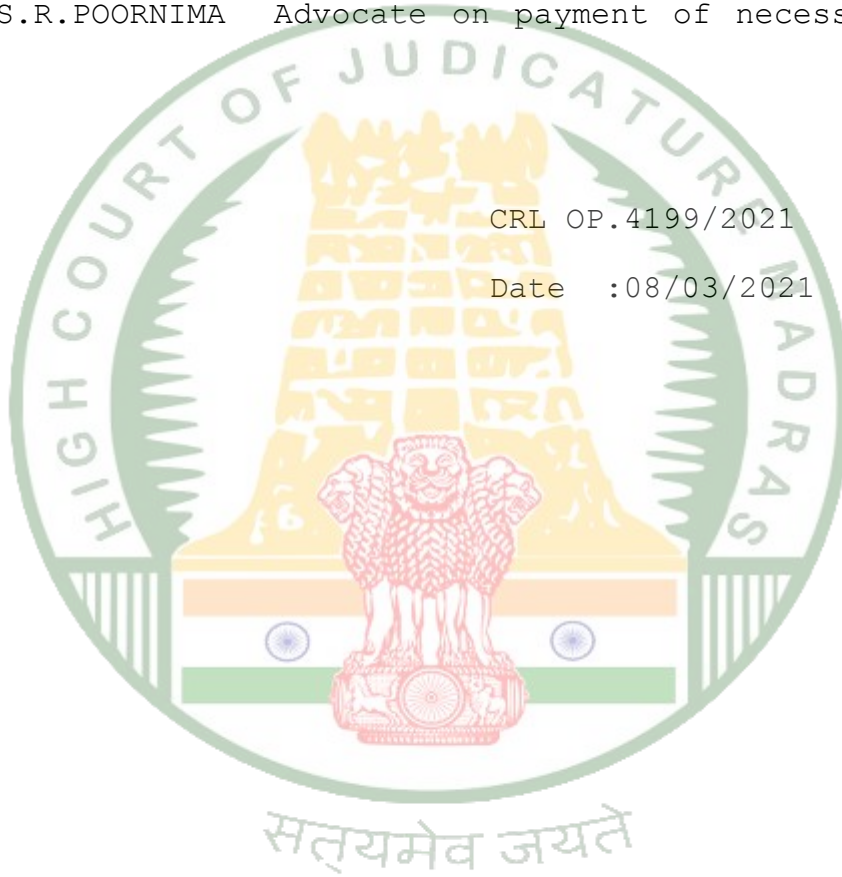
4 THE OFFICER INCHARGE
DISTRICT JAIL, VILLUPURAM.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM POLICE STATION,
VILLUPURAM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.POORNIMA Advocate on payment of necessary charges
SR.No.2933

cs 09/03/2021



CRL OP.4199/2021

Date :08/03/2021

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