

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4257 of 2021

Senthil Kumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
C.C.B.-I,
Chennai.
(Crime No.314 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.314 of 2020 on the file of the respondent police.

For Petitioner : Mr. M.Arun

For intervenor : Mr. L. Baskaran

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 03.02.2021 for the offence punishable under Sections 419, 420, 465, 467, 468, 471 r/w. 34 and 109 of IPC in Crime No.314 of 2020, seeks bail.

2. Totally, there are 7 accused and the petitioner is arrayed as A6. The case of the prosecution is that, the disputed property in this case belongs to one Sundara Ganesh, who is in abroad. All the accused conspired together and A1 impersonated himself as Sundara Ganesh, sold the property to the de-facto complainant and received a total sum of Rs.1,10,00,000/-. So far as this petitioner is concerned, he is stated to be a tenant and he is running a hotel in the said premises. This petitioner has also conspired with the other accused and identified A1 as original owner (Sundara Ganesh). Thereafter, A1 said to have transferred a sum of Rs.35 lakhs to the petitioner's account. After coming to know about the fraud committed by the accused, the complaint has been lodged by the de-facto complainant and based on that, a crime

was registered against the petitioner and others and the petitioner was arrested on 03.02.2021. Now, seeking bail the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is only a tenant in the premises and he is nothing to do with the offence. He is regularly paying the rent for the said premises and he has been falsely implicated in this case. He is in jail from 03.02.2021. Therefore, he prays to grant bail to the petitioner.

4. Mr. L.Baskaran, learned counsel appearing for the intervener would vehemently opposed to grant bail to the petitioner stating that A1 impersonated himself as Sundara Ganesh, who is the original owner of the property, and received a sum of Rs.1,10,00,000/- from the defacto complainant. Subsequently, part of the amount has been transferred to this petitioner. He is not a tenant and he has also participated in the said conspiracy and got the looted amount.

5. The learned Additional Public Prosecutor would submit that the petitioner along with A1 has cheated the defacto complainant and out of the amount received, a sum of Rs.35 lakhs has been transferred from A1's account to the petitioner's account. She would further submit that now Rs.15 lakhs has been seized from the petitioner's account, and, investigation is still pending.

6. Considering the facts and circumstances of the case, and the fact that now, a sum of Rs.15,00,000/- has been seized from the account of the petitioner and also considering the period of incarceration suffered by the petitioner, 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 Metropolitan Magistrate (CCB), Egmore, and on further conditions that: सत्यमेव जयते

(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, on release from the prison, shall report before the respondent police, daily at 10.30 a.m., until further orders;

(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;

<https://hcservices.ecourts.gov.in/hcservices/>

(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.

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

-sd/-
24/03/2021

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 METROPOLITAN MAGISTRATE (CCB),
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB-I, CHENNAI.

5 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI.

+1 CC to M/S.T.K.S.GANDHI Advocate on payment of necessary charges SR NO. 3926

+1 CC to M/S.L. BASKARAN Advocate on payment of necessary charges SR NO. 3934

CRL OP.4257/2021

Date :24/03/2021