



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.5182 of 2021

& CRL.MP.NO.6863 OF 2021

Rajasekaran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Central Crime Branch - II,
Veppery, Chennai - 600 007.
(Crime No.68 of 2020)

... Respondent

V.DEVANATHAN ... Petitioner / De-Facto Complainant
[Ordered as per order of this Court dated 15/07/2021 made in
CRL.MP.NO.6863 OF 2021 IN CRL.OP.NO.5182 OF 2021]

PRAYER: Criminal Original Petition has been filed under Section
439 of Cr.P.C, prayed to enlarge the petitioner/Accused on bail in
connection with Crime No.68 of 2020 on the file of the respondent
Police.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl side)

For Intervenor : Mr.V.Meenakshi sundaram

ORDER

The Petitioner, who was arrested and remanded to judicial
custody on 05.02.2021 for the offence punishable under Sections
420, 465, 467, 468 and 471 r/w .34 of IPC, in Crime No.68 of 2020,
seeks bail.

2. The case of the prosecution is that the petitioner and the
defacto complainant are co-brothers. The Petitioner along with
other accused said to have sold the property, which belongs to the
defacto complainant, by using the power of attorney executed by
the defacato complainant and received a sum of Rs.60,00,000/-
without the knowledge of the defacto complainant. Hence, the
complaint.



sale consideration of the property worth about of Rs28,00,000/- and after consideration, release the petitioner. He further submits that this Court had granted interim bail to the petitioner dated 16.03.2021 and the matter was referred to the Mediation, however, the parties were not settled in the mediation. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, the petitioner is ready to deposit the amount of Rs.20,00,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.20,00,000/- shall be returned to him.

4. Heard the submissions made by the learned Government Advocate (Crl.Side).appearing for the respondent.

5. The learned counsel for the intervenor/defacto complainant has no serious objection on the bail petition.

6. Considering the fact that the petitioner, on his own volition, is ready to deposit an amount of Rs.20,00,000/- to the credit of the crime number, this Court had already granted interim bail to the petitioner on 16.03.2021, is made absolute on the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail and on further conditions that:-

(a) the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) to the credit of Cr.No.68 of 2020 before the learned Judicial Magistrate -I, Poonamallee, within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate-I, Poonamallee, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.20,00,000/- deposited by the petitioner to the credit of Cr.No.68 of 2020 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;



(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

© the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
15/07/2021

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.



1 THE JUDICIAL MAGISTRATE-I,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II,
CHENNAI.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-II,
VEPERY, CHENNAI-600 007

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO:
THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

+2CC to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges SR NO.7444

CRL OP.5182/2021
& CRL.MP.NO.6863/2021

Date :15/07/2021

MK:16/07/2021