

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6613 of 2020

Palani @ Balasubramaniyan

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Anti-Land Grabbing Special Cell,
Chennai Crime Branch-II, Chennai.
(Crime No.77 of 2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.77 of 2018 on the file of respondent police.

For Petitioner : Mr.V.Prasad

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

O R D E R

(The case has been heard through video conference)

Totally, there are eight accused and the petitioner is arrayed as A4. The petitioner, who was arrested and remanded to judicial custody on 18.02.2020 for the offence punishable under Sections 419, 465, 467, 468 and 420 r/w 120(B) of I.P.C. in Crime No.77 of 2018, seeks bail.

2. The case of the prosecution is that A1, who is the broker has impersonated himself as owner of the land and sold the same to the defacto complainant after receiving valuable consideration. So far as this petitioner is concerned, he said to have introduced A1 to the defacto complainant as real owner. Hence, he was implicated as accused, and a criminal case was registered against the petitioner. Accordingly, he was arrested and remanded to judicial custody on 18.02.2020.

3. The learned counsel appearing for petitioner would submit that the main allegation is that the petitioner has only introduced A1 to the defacto complainant, believing that A1 is the owner of the property. He would submit that later on, they have also come to know that fraud committed by A1. He would also submit that the interim bail was already granted by this Court on 24.03.2020 to the petitioner. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that so far as the allegation against this petitioner is concerned, he has only introduced the defacto complainant to A1 and subsequently, other accused received money and cheated the defacto complainant. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the main allegation against the petitioner is that he has only introduced A1 to the defacto complainant, the interim bail was already granted by this Court on 24.03.2020, and also considering the period of incarceration suffered by the petitioner from 18.02.2020, 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, Special Court for Land Grabbing Cases, Tiruvallur 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, on her release from prison, shall report before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter, 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.

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

-sd/-

16/02/2021

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,
SPECIAL COURT FOR LAND GRABBING CASES,
TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL
CHENNAI CRIME BRANCH-II,
CHENNAI.

CC to M/S. V.PRASAD Advocate on payment of necessary charges
SR.1696

CRL OP.6613/2020

Date :16/02/2021

RVR 17/02/2021

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