

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6870 of 2021

T.Nepolian

... Petitioner

Vs.

State by

Inspector of Police,
Central Crime Branch, Chennai
Team -II, Office at Commissioner of Police,
Greater Chennai Commissionerate,
Vepery, Chennai 600 007
(Crime No.17 of 2021)

... Respondents

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner/3rdaccused on bail in the event of his arrest in connection with the Crime No.17 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Ramanareddy

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 419, 420, 465, 467, 468, 471, r/w 34 and 109 of IPC in Crime No.17 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's mother was the owner of the house site measuring 2689 sq.ft at Sithalapakkam Village approved by CMDA. After the demise of the defacto complainant's mother, the defacto complainant approached the Revenue authorities for change of patta in the name of the legal heirs and came to know that the patta has already been transferred in the name of the petitioner / 3rd accused. On an enquiry in the SRO, Selaiyur, the defacto complainant came to know that the petitioner colluded with other accused and purchased the property belonging to her mother. Hence the case has been registered.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner/3rd accused was an innocent purchaser without knowing the conspiracy among all the co-accused and he was cheated to the tune of Rs.55,00,000/- apart from other expenses like obtaining patta in his name and incidental expenses and also for obtaining electricity and water connection. He further submits that he has no part in the alleged offence but he was willfully roped into the said occurrence with a mala fide intention to achieve the cancellation of the sale deed without payment of the amount to the petitioner /3rd accused. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.Side) submits that there was a sale transaction through Power of Attorney by creating forged documents and the other accused sold the property to the petitioner/3rd accused herein. The petitioner along with the other accused had colluded and by impersonating the mother of the defacto complainant had sold the property belonging to the defacto complainant's mother to the 3rd accused, who is the petitioner herein, who had purchased the said property to the tune of Rs.55 Lakhs. Since the petitioner had also colluded in purchasing the property, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5.On instructions, the learned counsel for the petitioner has submitted that the petitioner is ready to cancel the said deed vide document No.10781 of 2016, for which, the petitioner has filed a consent affidavit which reads as follows:

" Therefore, I am ready and willing to cancel the sale deed vide Document No.10781 of 2016, before SRO, Selaiyur, dated 10.06.2016 unconditionally and thereby I may be relieved from the Respondent Police in Crime No.17 of 2021".

6. The learned counsel for the petitioner further submits if the Power of Attorney is secured, even today the petitioner is ready and willing to cancel the document/sale deed.

7. Considering the facts and circumstances of the case and the petitioner is ready and willing to cancel the sale deed, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate -I, Tambaram on condition that the petitioner shall 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 respondent police or the police officer who

intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall cancel the sale deed executed in his favour vide Document No.10781 of 2016, before SRO, Selaiyur, dated 10.06.2016 unconditionally within a period of six weeks and shall produce proof of such cancellation of sale deed to the learned Judicial Magistrate-I, Tambaram, at the time of release on bail;

(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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(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 petitioners 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.

सत्यमेव जयते -sd/-
30/06/2021

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

TRUE COPY

WEB COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE, CENTRAL CRIME BRANCH,
CHENNAI TEAM-II, OFFICE AT COMMISSIONER OF
POLICE, GREATER CHENNAI COMMISSIONERATE,
VEPERY, CHENNAI - 600

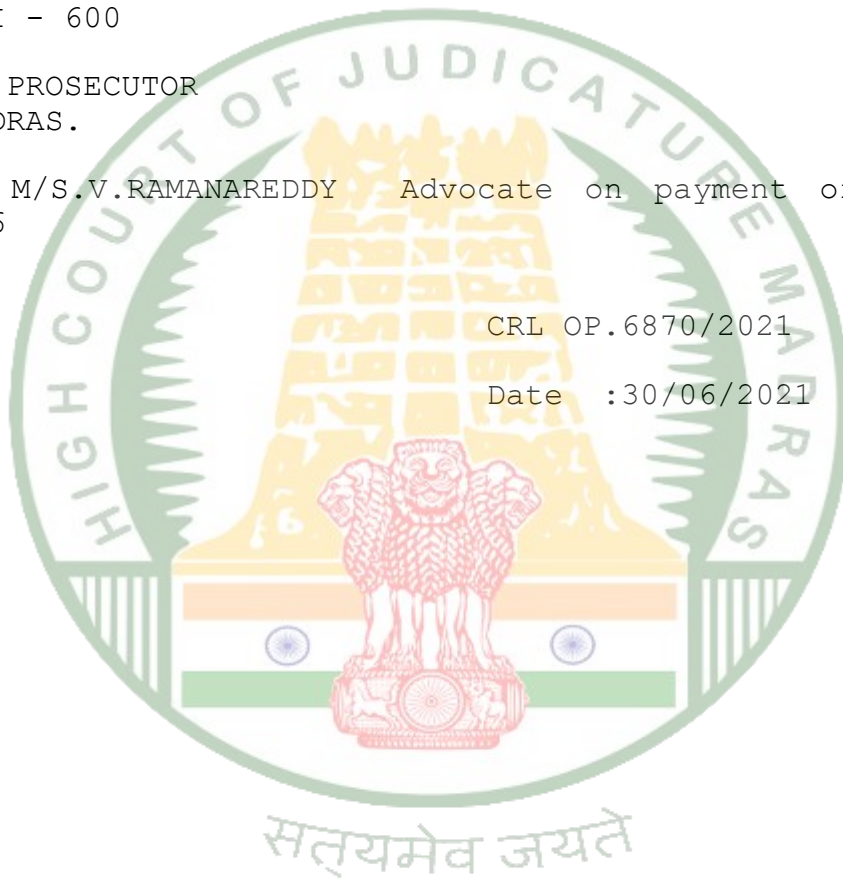
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.RAMANAREDDY Advocate on payment of necessary
charges Sr.6946

CRL OP.6870/2021

Date :30/06/2021

RVR 09/07/2021



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