



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9727 of 2021

and Crl.M.P.No.6296 of 2021

1.V.Kuppan
2.K.Prem Kumar

... Petitioners/Accused Nos.1 & 3

-Vs-

State of Tamil Nadu,
Represented by,
Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai-600 118.
(Crime No.572 of 2021)

... Respondent/Complainant

B.VENKATESHSANGSANI
[ORDERED AS PER ORDER OF THIS
COURT DATED 21/06/2021 MADE IN
CRL.MP.NO.6296/2021 IN
CRL.OP.NO.9727/2021]

... INTERVENE PETITIONER /
DEFACTO-COMPLAINANT

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.572 of 2021 on the file of the respondent police.

For Petitioners	:	Mr.B.Kalaiarasan
For Intervenor	:	Mr.R.Vivekanandan
For Respondent	:	Mr.C.E.Pratap Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 506(i), 419, 365, 342, 323 294(b) and 170 of IPC, 1860 (as amended), in Crime No.572 of 2021, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant entered a rental lease agreement with the petitioner. The petitioner has projected himself as the owner of the property. Subsequently, the defacto complainant came to know about the real owner, i.e. Madras Secretary Building Society and that the petitioner manipulated the revenue records and assessed the property in his favour in the records and thereafter the society had taken steps to cancel the ownership and restore the property. The petitioner kidnapped the defacto complainant and obtained a blank paper and threatened him to put signature in fraudulent manner and hence the prosecution.

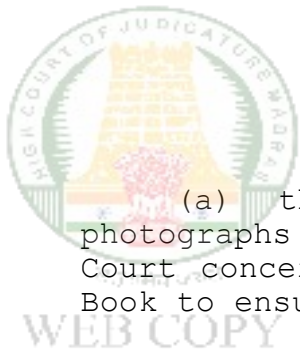
3.The learned counsel appearing for the petitioners would submit that petitioners did not commit any offence as alleged by the prosecution. In fact, as on date the ownership was not cancelled. However, the defacto complainant possession will not disturbed and dispossessed him except in the manner known to law.

4.The learned counsel appearing for the intervener/defacto complainant, while objecting to the grant of bail to the petitioners, would submit that admittedly, the defacto complainant entered a rental lease agreement with the 1st petitioner who had impersonated himself as the owner of the premises and received huge amount towards lease and thereby cheated him. However, the learned counsel would submit that his possession over the premises cannot be disturbed without due process of law.

5.The learned Government Advocate (Criminal Side) would submit that the 1st petitioner along with the other petitioners, cheated the defacto complainant by projecting the 1st petitioner as the owner of the subject property and received lease amount from him. He would submit that the investigation is almost over.

6.Considering the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant anticipatory bail to the petitioners on certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned V Metropolitan Magistrate, Egmore, Chennai, on condition that each of 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 petitioners 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;

(b) the petitioners 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.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the possession of the defacto complainant over the subject premises shall be not disturbed without due process of law;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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.

-sd/-
21/06/2021

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,
NO.V, EGMORE, CHENNAI.

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



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-6 KODUNGAIYUR POLICE STATION,
CHENNAI-600118.

CC to M/S B.KALAIARASAN Advocate on payment of necessary
charges

CRL OP.9727/2021
& CRL.MP.6296/2021

Date :21/06/2021

cs 15/07/2021