

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

Crl.O.P.Nos.15908, 15636 & 16200 of 2020

1.M.Sekar

2.V.Sugumar

... Petitioners in Crl.O.P.No.15098 of 2020

S.Sorna Senthil

... Petitioner in Crl.O.P.No.15636 of 2020

P.Saraswathy

.... Petitioner in Crl.O.P.No.16200 of 2020

Vs.

The State Rep. by

The Inspector of Police,

J7, Velachery Police Station,

Chennai.

(Crime No.826 of 2020)respectively

... Respondent

in ALL the Petitions

For Petitioner: M/S.E.VISWANATHAN Advocate(IN CRL.O.P.No.15908/2020)

M/S.A.SELVENDRAN Advocate(IN CRL.O.P.No.15636/2020)

M/S.R.JOHN SATHYAN Advocate(IN CRL.O.P.No.16200/2020)

For Respondent : M/S.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR
(IN ALL THE PETITIONS)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 466, 468 and 471 of IPC in Cr.No.826 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police alleging that in the year 1978, M/s. VGP Housing Pvt. Ltd., represented by its Managing director Late Mr.V.G.Panneer Das had obtained General Power of Attorney from one Mr.K.Balasubramanian and the same was registered in document No.685 of 1978 dated 19.06.1978 on the file of SRO Bombay for the property measuring about 7 acres and 11 cents situated at S.No.323,

324, 316/6J, 322 Velachery Village. Thereafter, M/s.VGP Housing Private Limited formed a layour in the name of VGP Selva Nagar. It is further alleged that some of the plots were not sold. In so far as Plot No.142 measuring about 2933 sq.ft. is concerned in the year 2019 M/s.VGP Housing Pvt. Ltd., decided to sell plot No.142 and had applied for encumbrance certificate and found that there was an entry regarding a sale vide a sale deed dated 30.08.1982, executed in favour of the petitioner and the same was registered in document No.3445/1982 as though Mr.V.G.Paneer Das had sold the property to the petitioner herein. When the defacto complainant applied for encumbrance certificate in 2018 for the period between 1978 to 1985 it is alleged that there was no entry in the encumbrance certificate and in 2019 the encumbrance certificate reflected 2 entries and one allegedly being mortgage deed and another a general power of attorney given by the petitioner to one sorna Senthil(A2). Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners has not committed any offence as alleged by the prosecution and they are falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the defacto complainant has withdrawn the complaint.

5. Considering the facts and circumstances of the case and also the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 XVIII Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioners shall execute a seperate 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 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) 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;

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

-sd/-
17/04/2021

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.XVIII,
SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J7, VELACHERY POLICE STATION,
CHENNAI.

CC to M/S.E.VISWANATHAN Advocate on payment of necessary charges

CRL.OP.NOS.15908, 15636 & 16200 of 2020

Date :17/04/2021

MK:18/06/2021