



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.14216 of 2021
AND CRL.MP.No.8565 OF 2021

R.RAJESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL-II,
CENTRAL CRIME BRANCH,
CHENNAI.
(CRIME NO.23/2021)

[RESPONDENT]

For Petitioner : M/S. KARTHICK Senior Counsel for
M/S. S.JOEL Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : M/S. J.JAYA VENKATRAMAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 419, 465, 467, 468 471 r/w 120-B of IPC in Crime No.23 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant Mr.Thetchanamurthi, is a Tamil Professor working at Singapore. The petitioner along with other accused persons have cheated the defacto complainant by creating forged and fabricated documents for his property comprising in survey Nos.386/12 and 386/13 and measuring to an total extent of 4800 sq.ft, located at No.153, Sunnabu Kolathur, Viduthalai Nagar Layout, Sholinganallur Taluk, Chengalpattu District. Hence, the complaint.



3. Mr.Karthi, the learned counsel for the petitioner submits that immediately after the registration of this case, all the encumbrances allegedly made by the petitioner were cleared. Now, the property is free from encumbrances and the defacto complainant entitled to enjoy the same without any encumbrances. However, on instructions, the learned counsel submits that the petitioner did not disturb the enjoyment and title of the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Mr.J.Jeya Venkatesan, learned counsel for intervenor vehemently opposed for grant of anticipatory bail to the petitioner by stating that the petitioner is the brain behind the fraudulent transactions.

5. The learned Government Advocate (Crl.Side) on instructions submits that the the encumbrances created by the petitioner were cleared. Now, the properties are free from encumbrances.

6. Considering the submissions made by both counsel and the fact that the properties are free from encumbrances, this court is inclined to grant anticipatory bail to the petitioner.

7. 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 Special Metropolitan Magistrate for CCB and CBCID Cases, Egmore, Chennai 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 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 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.

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

(d) the petitioner 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 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;

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

Consequently, connected miscellaneous petition is closed.

-sd/-
03/09/2021

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 SPECIAL METROPOLITAN MAGISTRATE
FOR CCB AND CBCID CASES,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL-II,
CENTRAL CRIME BRANCH,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. S.JOEL Advocate on payment of necessary charges
SR.NO.9543

CRL OP.14216/2021
AND
CRL.MP.No.8565/2021

Date :03/09/2021

INBA 28/09/2021