



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.17687 of 2021

D. Kannan

...Petitioner

Versus

State represented by
The Sub Inspector of Police,
Central Crime Branch Team-XVII(A)
Chennai.
Crime No.123 of 2021

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to release the petitioner on bail pending investigation in Crime No.123 of 2021 on the file of the respondent.

For Petitioner : Mr.V. G. Guhan Murugan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested on 10.08.2021 and remanded to judicial custody for the offences under Sections 465,467,468,471 r/w 34 of I.P.C and 109 of IPC in Crime No.123 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are nine accused in this and only 6 names were found in the F.I.R and three names does not find place in the F.I.R. It is alleged that A1 and A2 impersonated himself as the owner of the alleged property and executed a sale deed in favour of A5 and A6, who in turn mortgaged the property for Rs.70,00,000/- in I.C.I.C.I Bank. The petitioner herein arrayed as A7 as he acted as mediator for the alleged transfer of property. Hence the law enforcing agency registered a case against the petitioner and other accused.

3. Mr.Guhan. the learned counsel for the petitioner would submit that the main accused A9 has already sworn an affidavit before the Superintendent, Sub Jail, Saidapet that he will cancel all the deeds and remove encumbrance in the alleged property and the petitioner also ready to co-operate for the cancellation of deeds which was executed



by the petitioner. He further submitted that the petitioner has not created any bogus documents and he just only acted as a mediator and the petitioner has been in jail from 10.08.2021. Hence, he prays for grant of bail to the petitioner.

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5. The learned Government Advocate (Crl.Side) submits that this Court had already granted bail to the co-accused in Crl.O.P.No.16488 of 2021 dated 22.09.2021. However, he vehemently opposed for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case and the submission made by the petitioner that he will cancel all the deeds and remove encumbrance in the alleged property and the co-accused already enlarged on bail in Crl.O.P.No.16488 of 2021 dated 22.09.2021 also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Metropolitan Magistrate Special Court Land Grabbing-II, Allikulam, Chennai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall cancel all the deeds and remove encumbrance in the alleged property, failing which this order will automatically be vacated without any reference to this Court.

(c) the petitioner shall report before the respondent police daily at 10:30a.m until further orders.

(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 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;



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

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-sd/-
24/09/2021

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 METROPOLITAN MAGISTRATE
SPECIAL COURT LAND GRABBING-II, ALLIKULAM,
CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

3 THE SUB-INSPECTOR OF POLICE,
CCB TEAM XVII (A), CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
SUB JAIL, PONNERI

+1 CC to M/S. V.G.GUHAN MURUGAN Advocate on payment of necessary charges SR.No.10527

CRL OP.17687/2021

Date :24/09/2021

APN 27/09/2021