



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.18350 of 2021

K. Perumal

...Petitioner

Versus

The State of Tamil Nadu
Represented by its
The Inspector of Police,
Central Crime Branch
ALGSC - 1 Team -16A,
Vepery, Chennai 600 007
Crime No.231 of 2020

...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.231 of 2020 on the file of the respondent.

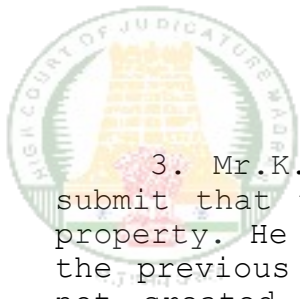
For Petitioner : Mr.K.Elangoo

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

ORDER

The petitioner who was arrested on 21.08.2021 and remanded to judicial custody for the offences under Sections 419,465,467,468,471,420 and 120(B) of I.P.C in Crime No.231 of 2020 on the file of the respondent police, seeks bail.

2. Totally there are six accused in this case and the petitioner herein arrayed as A3. It is alleged that the property belongs to the defacto complainant and he was in peaceful possession and enjoyment of the said plot. While so A2 in this case impersonated himself as the original owner of the property and executed a General Power of Attorney in favor of one E.Durairaj/A1 on 23.10.2018 and using the said power of Attorney E.Durairaj/A1 has conveyed the property to and in favour of one Perumal/A3/petitioner herein on 23.11.2018. Subsequently Perumal/A3/petitioner executed the said property in favor of one K. Thanigamalai and Malathy who are A4 and A5 respectively on 25.02.2019. Hence the law enforcing agency registered a case against the petitioner and other accused persons.



3. Mr.K. Elango. the learned counsel for the petitioner would submit that the petitioner is the bonafide purchaser of the alleged property. He further submits that believing the documents executed by the previous owner he had purchased the property. That apart he has not created any forged documents. He further submits that he will cancel all the deeds and remove encumbrance in the alleged property as stated in his affidavit which is as follows:

"The petitioner states that he is a law-abiding citizen and he is ready and willing to cancel the deed of sale deed dated 15.03.2019 in doc.No.2989 of 2019 executed by the petitioner in favour of the 4th and 5th accused and take further steps to restore the property in question in favour of the defacto complainant. "

Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that if the petitioner is ready and willing to cancel all the deeds and remove encumbrance in the alleged property, this Court may consider to grant bail to the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. 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 as stated in his affidavit and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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 CCB and CBCID Metropolitan Magistrate, Egmore at 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 within a period of eight weeks, 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;

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(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.

-sd/-

01/10/2021

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

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

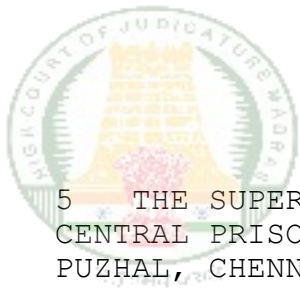
TO

1 THE CCB & CBCID METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
ALGSC-1, TEAM -16A,
VEPERY, CHENNAI-600 007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT,
CENTRAL PRISON II,
PUZHAI, CHENNAI

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+1 CC to M/S. K.ELANGOO Advocate on payment of necessary charges
SR.No.10925

CRL OP.18350/2021

Date :01/10/2021

APN 04/10/2021