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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.18937 of 2021

& CrI.MP.No.10528/2021

E.Rajendran Ellapan

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
CCB-II, Wing XXII-A,
Anti- Land Grabbing Special Cell,
CCB Chennai.

... Respondent

Ajay Ponmany .. Petitioner/Proposed Intervener/
[Ordered as per order of Informant]
this Court dated 08/10/2021]

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.84 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Iyyapparaj

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

For Intervenor : Mr.Deivanadhan

ORDER

The petitioner who was arrested and remanded to judicial custody on 27.08.2021 for the offences punishable under Sections 419, 420, 465, 467, 468, 471 and 34 of IPC, in Crime No.84 of 2021 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that there are totally 6 accused persons involved in this case and the petitioner is arrayed as A5. Further, the petitioner along with other accused persons conspired to cheat the defacto complainant and her daughters who are legal heirs of Rajan Chacko by selling the property by creating forged documents by A1 to A6 by impersonating the signature as one Rajan Chacko and power document, for Rs.58,08,000/- and sold the same in favour of the petitioner/ A5 for wrongful gain. Further, the petitioner along with other Further, the petitioner along with other accused persons had intentionally grabbed the property belonging to the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 27.08.2021. He further submitted that the petitioner is ready to cancel the sale deed vide Doc.No.14551 of 2020 registered with S.R.O. Ambattur, after release from jail and he has also filed an affidavit before this Court. Hence, he prays for grant of bail to the petitioner.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

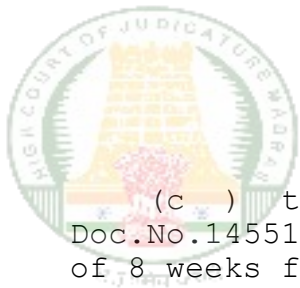
5. The learned counsel for the Intervenor submitted that the petitioner along with other accused persons had intentionally grabbed the property belonging to the defacto complainant. Hence, he strongly opposed for grant of bail to the petitioner.

6. Considering the period of incarceration suffered by the petitioner and the petitioner is now ready to cancel the sale deed and the petitioner has also filed an affidavit to that effect, 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 Judicial Magistrate-I, Poonamallee, 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 report before the respondent police, daily at 10.30 a.m., until further orders.



(c) the petitioner is directed to cancel sale deed vide Doc.No.14551 of 2020 registered with S.R.O. Ambattur, within a period of 8 weeks from the date of granting bail.

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(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.

-sd/-
08/10/2021

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 JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
PUZHAI JAIL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE INSPECTOR OF POLICE,
CCB-II, WING XXII-A,
ANTI-LAND GRABBING SPECIAL CELL,
CCB, CHENNAI.

6 THE S.R.O.,
AMBATTUR.

+2 CC to M/S. T.S.LAVANESH Advocate on payment of necessary charges
SR.No.11287

CRL OP.18937/2021
& CrI.MP.No.10528/2021

Date :08/10/2021

cs 08/10/2021