



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21313 of 2021

WEB COPY

Isakkimuthu

...Petitioner

Vs.

The State rep by
The Inspector of Police
CCB, Team 1,
Vepery, Chennai.
Crime No: 02/2018

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 02 of 2018 on the file of the respondent police.

For petitioner : Mr.A.Cholarajan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.09.2018 for the offences under Sections 419, 465, 467, 468, 471 r/w 120B of IPC in Crime No.02 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the property in survey No. 407 measuring an extent of 2400 sq/ft. in Semmanjeri village within the sub registration jurisdiction of Neelangarai Sub register, Chennai. was purchased by the complainant husband in the year 1983 under Employees Housing Scheme and thereafter, he died intestate in the year 1990 leaving the complainant and her four daughters. In the year 2017, when one of the daughters of the complainant obtained encumbrance certificate over the property, there were transactions found in respect of the property and when she verified the documents, it was found that her father has been impersonated by the accused Velayutham, who in turn sold the property to the accused



Thangavelu on 16.12.2011 vide Document No.9068/2011 for the sale consideration of Rs.4,80,000/-. Thereafter, the said Thangavelu has sold the property to one Vuyyuru Karthick Reddy for a sale consideration of Rs.36,00,000/- vide Document No.4405/2012 dated 20.07.2012. Hence, the wife has lodged the complaint for impersonation and forgery of the documents done by the accused persons.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case based on the confession statement recorded from the co-accused. He would submit that the petitioner is a widower living with his two children and he has been suffering incarceration for more than 2 years from 30.09.2018. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that A1 in this case is still absconding and the said documents are still not been cancelled and A2 was arrested and released on bail. The petitioner is also actively involved in the alleged offence. He would further submit that the purchaser of the property has filed a civil suit against the original owners of the property.

5. Considering the pendency of the Civil Suit and the fact that co-accused/A2 has been released on bail and also considering the period of incarceration undergone by the petitioner and the fact that the investigation is almost completed, 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 Land Grabbing Court -II, Allikulam 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., for a period of 8 weeks continuously without fail 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 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/-

15/11/2021

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 LAND GRABBING COURT-II,
ALLIKULAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE INSPECTOR OF POLICE,
CCB, TEAM 1, VEPERY, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.CHOLARAJAN Advocate on payment of necessary charges SR.NO.12761

CRL OP.21313/2021

Date :15/11/2021

RW 15/11/2021