



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

WEB COPY

CORAM:

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

Crl.O.P.No.22030 of 2021

M.Ganapathy Ramasubramaniam

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch, Greater Chennai,
Chennai, Vepery.
Crime No.232 of 2019

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.232 of 2019 on the file of the respondent Police.

For petitioner : Mr.V.Jeyachandran

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 02.11.2021 for the offences under Sections 409, 420 r/w 109 IPC, in Crime No.232 of 2019, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant K.Jayalatha is the Tax Recovery Officer-2. The property of the the petitioner situated at No.101, 1st Floor, Block No.A, Model School Road, Kumarasamy Nagar Main Road, Sholinganallur, Chennai-119, admeasuring 1600 Sq.Ft. was attached vide Doc.No.34/2017 registered at Sub Registrar Office, Neelankarai and the same was informed to the petitioner through a letter dated 20.11.2017 by the defacto complainant for default of Income Tax Payment of Rs.4,24,93,419/- for the assessment year 2013-2014. However, the petitioner/A1 with an intention to create encumbrance over the said attached property, had executed a sale deed in favour of A3 though a general power of attorney given to A2. Hence the complaint.



3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that already co-accused/ A2 and A3 were granted interim bail by this Court in Crl.O.P.No.26801 of 2019 dated 05.10.2019 following which, A2 and A3 have jointly cancelled the said sale deed which was registered in favour of them and that the property was also re-transferred to the Income Tax authority and subsequently, on 17.11.2021, the authority also auctioned the property for recovery of the tax dues. He would further submit that the petitioner has been suffering incarceration for more than 20 days from 02.11.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner was default in payment of tax for more than Rs.4 Crore and during the pendency of the recovery proceedings, petitioner executed a sale deed in favour of A3 though a general power of attorney given to A2.

5. Considering the facts and circumstances of the case and the fact that co-accused have been granted bail and the alleged sale has been reversed and the same also auctioned by tax authority and that the investigation is almost completed and also considering the period of incarceration undergone 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 CCB & CB-CID Court, Egmore, Chennai and on further conditions 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 on every Wednesday at 10.30 a.m. until further orders.

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

(d) the petitioner shall not abscond during 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/-
23/11/2021

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 CCB & CB-CID COURT,
EGMORE, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL-JAIL, PUZHAL,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
GREATER CHENNAI,
CHENNAI, VEPERY.

+1CC to M/S.V.JEYACHANDRAN Advocate on payment of necessary charges SR.NO.13250

CRL OP.22030/2021

Date :23/11/2021

MK:23/11/2021