



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24786 of 2021

PRAKASH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEAM XXVI,
ANTI LAND GRABBING SPECIAL CELL-II,
VEPERY, CHENNAI-7
CR NO.70/2020.

[RESPONDENT]

For Petitioner : M/S. K.G.SENTHILKUMAR Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.09.2021 for the offences under Sections 465, 467, 468, 471, 34 r/w 120(B) of IPC, in Crime No.70 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that de facto complainant's father had purchased a property measuring to an extent of 4800 sq.ft situated at plot No.16, Ayanambakkam in her mother's name on 28.10.1985 from a GEASON Housing Society and they were far away due to their job nature and after the demise of her mother, the de facto complainant visited the site. At that point of time only, the defacto complainant came to understand that the plot was once again sold to A3 on 25.08.1993 by the same Society. Thereafter, from A3, A4 & A5 who are husband and wife have purchased the plot on 27.11.2015 for a sale consideration of Rs.1,39,00,000/-. Thereafter, the said A4 and A5 have mortgaged the property with Punjab National Bank and obtained loan of Rs.70,00,000/-. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is the son of A3 and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for about 85 days from 14.09.2021. He would further submit that his father/A3 himself has been impersonated and the only over-act attributed against the petitioner is that, the amount transferred to A3 was diverted to the petitioner's account. He would submit that the amount transferred to the petitioner's account was withdrawn and handed over to A1 and A2 and this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.22316 of 2021 by order dated 25.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner is arrayed as A10 and he is the son of A3 and the amount involved is more than Rs.2 Crores. Further, A4 was earlier granted anticipatory bail by this Court in Crl.O.P.No.No.17372 of 2021 dated 02.11.2021 with a condition to deposit a sum of Rs.1 Crore whereas, he has not complied with the condition and that he is still absconding. He would further submit that the investigation has not been completed.

5.On seeing the nature of offence and the fact that A4 who was granted anticipatory bail by this Court has not complied with the condition and some of the accused are still absconding and that the investigation has not been completed, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

21/12/2021

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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEAM XXVI,
ANTI LAND GRABBING SPECIAL CELL-II,
VEPERY, CHENNAI-7

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S. K.G.SENTHILKUMAR Advocate on payment of necessary
charges

CRL OP.24786/2021

Date :21/12/2021

TA-05/01/2022