



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24672 of 2021

1.P.SUDHAKARAN @ SUDHAKAR

[PETITIONERS / ACCUSED]

2.P.TAMILSELVAN

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

DISTRICT CRIME BRANCH (DCB)

SPECIAL WING FOR PROTECTION OF LAND GRABBING,

TIRUVALLUR, TIRUVALLUR DISTRICT.

(CRIME NO.58 of 2021)

For Petitioner : M/S. B.GANDHI Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 25.11.2021 for the offences under Sections 417, 420, 465, 468, 471 read with 120B of IPC, in Crime No.58 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused had fraudulently obtained Patta for the property belongs to the defacto complainant and a settlement deed was registered in favour of the 1st petitioner/A2 by A1. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners by way of enjoyment were enjoying the property in Survey No.335/1 in Sendrayanpalayam Village, Tiruvallur Taluk and District and based on the enjoyment, Patta was granted to them and subsequently, A1 executed a settlement deed infavour of A2 who is his son. Thereafter, A2 was in the enjoyment of the property from the year 2018 and that a false case has been foisted against the



petitioners. He would further submit that the petitioners have been suffering incarceration for more than 20 days from 25.11.2021 and hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the property in the Survey No.335/1 originally belongs to the defacto complainant and he had purchased the same by way sale deed dated 12.06.2001 for which, he also produced encumbrance certificate and that the accused had fraudulently obtained Patta for the property belongs to the defacto complainant and registered a settlement deed in favour of the 1st petitioner/A2.

5. A perusal of the encumbrance certificate reveals that in the year 2018 there is a settlement deed in favour of A2 by A1 without any reference about the parental document. But, as per the encumbrance certificate, the said property stands in the name of the defacto complainant.

6. Hence, on seeing the nature of allegation in the FIR and the fact that the investigation has not been completed, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

17/12/2021

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,
DISTRICT CRIME BRANCH (DCB),
SPECIAL WING FOR PROTECTION OF LAND GRABBING,
TIRUVALLUR, TIRUVALLUR DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. B.GANDHI Advocate on payment of necessary charges

CRL OP.24672/2021

Date :17/12/2021

CSK 22/12/2021