



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.12.2021

Coram:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25591 of 2021

V.Narasimhan

.. Petitioner/3rd accused

/versus/

The State rep.by
The Inspector of Police,
Team 18, Central Crime Branch-I,
Vepery, Chennai 600 007.

..Respondent/Investigating
Officer

Criminal Original Petition has been filed under Section 438 of the Cr.P.C. praying to enlarge the petitioner herein on bail in the event of him arrest in Crime Number 214 of 2021 for alleged offences under Sections 465, 467, 471 and 468 of IPC pending investigation on the file of the respondent police.

For Petitioner :Mr.D.Ferdinand

For Respondent :Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 467, 468 and 471 of IPC read with Section 34 of IPC in crime No.214 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the power of attorney of the original owner of the property in dispute. Originally one D.Balakrishnan got the property by partition deed vide Doc.No.2649 of 1959 registered with SRO, Saidapet. On 07.09.1982 he executed an irrevocable Power of Attorney in favour of one Samynathan, who is none other than the brother of Balakrishnan and the same was registered as Doc.No.280 of 1982. After execution of valid irrevocable Power of Attorney, said Samynathan executed a sale deed in favour of the Gopal Narayanan. The petitioner along with other



accused colluded and executed a fraudulent sale deed in favour of the petitioner. Based on the forged sale deed, the petitioner got patta and constructed a pakka terrace building, thereby cheated the defacto complainant. Hence, this complaint.

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3.The learned counsel appearing for the petitioner submitted that the petitioner is a bona fide purchaser of plot No.101 situated at Karambakkam village comprised in S.No.121/23 as per patta No.1132 to an extent of 6375 sq.ft. He purchased the property from the lawful owner Mr.D.Mohan under a registered sale deed. Since purchasing the property, he has been in absolute possession and enjoyment of the said property for more than 20 years. All of sudden, at the instigation of the defacto complainant, the petitioner has been falsely implicated in this case and he has no way connected with the alleged offence. Hence, he seeks for anticipatory bail.

4.The learned Additional Public Prosecutor raised objections and submitted that, by creating forged documents, the other accused executed a sale deed in favour of the petitioner and based on that, the petitioner has got patta in his name, thereby cheated the defacto complainant worth of Rs.4 crores. The Tahsildar, without issuing notice to the principal owner or his agent, issued patta in favour of the petitioner. There is no previous case against the petitioner. The dispute is civil in nature. The investigation is still pending.

5.Considering the facts and circumstances of the case and taking note of the fact that the petitioner is aged about 69 years and based on the Doc.No.1525 of 1990, the petitioner purchased the property and this case is civil in nature and the investigation is pending and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, CCB, Chennai, on condition that, the petitioner shall execute 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 respondent police or the police officer, who intends to arrest (or) to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to co-operate with the investigation.



(c) the petitioner shall appear before the respondent police on every Wednesday at 10.00 a.m., until further orders.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

22/12/2021

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 JUDICIAL MAGISTRATE,
CCB, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
TEAM 18, CENTRAL CRIME BRANCH-I
VEPERY, CHENNAI 600 007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.BFS LEGAL Advocate on payment of necessary charges
SR.NO.15397

CRL OP.25591/2021

Date :22/12/2021

RW 23/12/2021