



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Cr1.O.P.No.201 of 2022

1. N.JEYARAMAN
2. J.SIVAKUMAR
3. SARAVANAN

... Petitioners

Vs.

State represented by
The Inspector of Police
Central Crime Branch
Wing-15
Egmore
Chennai
Crime No.163 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.163 of 2021 on the file of the Inspector of Police, Central Crime Branch, 15th Wing, Chennai.

For Petitioners : Mr.M.Simon

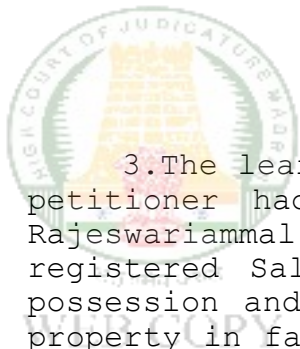
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 27.11.2021 for the offences under Sections 420, 465, 467, 468, 471 read with 34 IPC, in Crime No.163 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners fabricated the Document No.260 of 1973 in order to make claim over the property belongs to the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the 1st petitioner had purchased the property in the year 1973 from one Rajeswariammal who is the grandmother of the defacto complainant vide registered Sale Deed No.260 of 1973 and since then, they were in possession and enjoyment of the property. Thereafter, he settled the property in favour of his son / 2nd petitioner in the year 2021 vide registered settlement deed dated 03.03.2021 in Document No.1550 of 2021 and thereafter, the power of attorney was given to the 3rd petitioner to look after the property and that the defacto complainant who is the grand daughter of the said Rajeshwariammal has given a false complaint against the petitioners. He would further submit that before filing of the complaint, the 2nd petitioner had filed a civil suit in C.S.No.5723 of 2021 before the learned XV City Court Court, Chennai in which, notice was also served to the defacto complainant and subsequently, the defacto complainant appeared through counsel and thereafter, they have filed this complaint. He would submit that the petitioner has been suffering incarceration for more than 25 days from 27.11.2021. 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 Document No.26.0 of 1973 has been forged by the petitioners and others in order to make claim over the property belongs to the defacto complainant.

5. It is seen that with regard to the civil dispute, there is a suit pending between the parties and the same was also contested by the defacto complainant. More over the alleged sale deed has been executed in the year 1973 and therefore, there is no possibility of tampering the evidence. Considering the above facts and circumstances of the case and considering the age of the 1st petitioner and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on their release;

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Special Metropolitan Magistrate land Grabbing Court No.II (FAC) Egmore at Allikulam, Chennai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;



(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the 1st petitioner shall report before respondent police as and when required for interrogation.

The 2nd and 3rd petitioners shall the respondent police on every Monday and Thursday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/01/2022

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 SPECIAL METROPOLITAN MAGISTRATE
LAND GRABBING COURT NO.II, (FAC)
EGMORE AT ALLIKULAM, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
WIND-15, EGMORE, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.201/2022

Date :07/01/2022

JPA 10/01/2022