



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Crl.O.P.No.1214 of 2022

And Crl.M.P.No.558 of 2022

WEB COPY

M.Murugan

... Petitioner

Vs.

State represented by,
Inspector of Police,
CCB- Team-16, Land Grabbing Wing,
Office of Commissioner of Police,
Chennai.
Crime No: 159 of 2021

... Respondent

L.Narayanan

... Intervener / Defacto Complainant

[ORDERED AS PER ORDER OF THIS COURT DATED 21/01/2022 IN
CRL.MP.558/2022 IN CRL.O.P.NO.1214 /2022]

PRAYER: Criminal Original Petition has been filed under Section 439
of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.159
of 2021 pending on the file of the respondent police.

For petitioner : M/s.C.Iyyapparaj

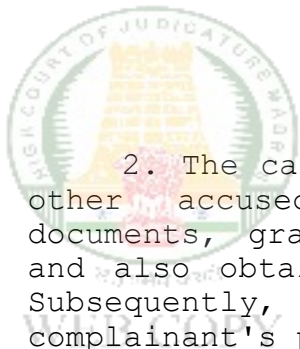
For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

For Intervenor : Mr.G.Palani

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody
on 23.12.2021 for the offences under Sections 419, 465, 467, 468,
471, 120B, 109 of Indian Penal Code, in Crime No.159 of 2021 on the
file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner along with other accused persons by way of impersonation and creating forged documents, grabbed the property belongs to the defacto complainant and also obtained loan from the bank to the tune of Rs.78 lakhs. Subsequently, they have constructed a house in the defacto complainant's property. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a Maistry by profession and he was working under a builder who is arrayed as A9. While so, he was requested to sign as witness to the transaction held between the other accused and that the petitioner without knowing the fact stood as witness on the belief that the transaction is a genuine one. Other than that, he has not committed any offence and he is a victim of circumstances. He would further submit that the petitioner has been suffering incarceration for more than 25 days from 23.12.2021. Hence, he would pray for grant of bail to the petitioner.

4. The Learned counsel for the intervenor would raise strong objection stating that the petitioner colluded with the other accused and stood as witness to the document and that he has received a sum of Rs.3 Lakhs through bank transaction on two occasions.

5. The learned Additional Public Prosecutor appearing for respondent would raise strong objection stating that only two accused have been secured so far and some more accused are yet to be secured.

6. Considering the fact that the petitioner is only attestor to the power deed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his 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 his release;

(b) the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.159 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Special Metropolitan Magistrate, Special Court for Land Grabbing Cases-II, Egmore at Allikulam Complex, Chennai-08, 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(g) the petitioner 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 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];

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

-sd/-
21/01/2022

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,
SPECIAL COURT FOR LAND GRABBING CASES-II,
EGMORE, ALLIKULAM COMPLEX, CHENNAI-08

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

3 THE INSPECTOR OF POLICE,
CCB TEAM-16, LAND GRABBING WING,
OFFICE OF COMMISSIONER OF POLICE, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.IYYAPPARAJ Advocate on payment of necessary
charges SR.NO.927

CRL OP.1214/2022
& CRL MP.558/2022

Date :21/01/2022

JPA 24/01/2022