



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.01.2022

CORAM:

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

Cr1.O.P.No.1635 of 2022

Sarangan Chandrasekaran

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
Chennai CCB - I, Police Station,
Chennai District.
(Crime No.220 of 2021)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of his arrest in Cr.No.220 of 2021 on the file of the respondent police.

For Petitioner : Mr.Ali Hassan Khan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 467, 468, 471, 109, 34 of IPC in Crime No.220 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complainant before the respondent police stated that he had purchased a flat at First Floor Thilak Garden, F-2, B Block, from the Centurion Bank through auction in the year 2007, thereafter, he went to Australia in the year 2011 and returned on 2019 and found that his flat lock was broken and it was occupied by Mahendran and Kumar, who bought this flat from the petitioner, then came to know about such flat was sold by the Venkatesh Babu and his wife Vijayalakshmi through the fabricated document to the petitioner.



3. The learned counsel appearing for the petitioner submits that the petitioner purchased the above said flat for value consideration in the year 2009 in document No.3332 of 2009 from the A1 and A2 enjoy the property till 2015, then, he sold the property to the A4 and A5 for value consideration. Hence, he is the innocent purchaser and he is falsely implicated in this case. Hence, he prays for bail.

4.The learned Additional Public Prosecutor raised objection stating that the above said property was previously belongs to the Venkatesh babu/A1 due to the non payment of the loan to the Bank such property was sold it to the defacto complainant through auction, at the same time the venkatesh babu created fabricated document in the name of his wife one Vijayalakshmi and sold it to the petitioner herein, he purchased the property without verifying the encumbrance certificate, Subsequently, petitioner sold it to the A4 and A5.

5. On perusal of records it reveals that the said property was now sold it to the A4 and A5 and in the year 2009 he purchased the property by obtaining loan from the bank through EMI to that effect he enclosed the copy of the EMI receipt in the typed set of paper page number 13 and 14.

6.Considering the above, if he released on bail he may not tamper the evidence. Hence, this Court inclined to grant anticipatory bail to the petitioner.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Special Metropolitan Magistrate, Special Court for exclusively, land Grabbing Cases - II, Egmore at allikulam complex, 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 is directed to deposit a sum of Rs.50,000/ (Fifty Thousand Only) to the credit of Crime No.220 of 2021.

[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 shall report before the respondent police as and when required for an interrogation;



[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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

27/01/2022

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 EXCLUSIVELY
LAND GRABBING CASES-II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

3 THE INSPECTOR OF POLICE,
CHENNAI CCB -I, POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.ALI HASSAN KHAN Advocate on payment of necessary charges SR.No.1330

CRL OP.1635/2022

Date :27/01/2022

CSK 08/02/2022