



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1905 of 2022

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L.Rajendran

... Petitioner

Versus

State of Tamilnadu represented by
The Inspector of Police,
District Crime Branch,
O/o. The Superintendent of Police,
Tiruvallur District, Tiruvallur.
(Crime No.82 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.82 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Mohana Krishnan

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 417, 420, 465, 468, 471 and 506(i) in Crime No.82 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant who had appeared before the Superintendent of Police, Tiruvallur on 22.11.2021 and preferred a complaint alleging that he is running a real estate business and that during the year 2011, one Anbumani, his son Rajasekar belonging to Kummanor Village, Ponneri Taluk along with Katturaja of Vadaperumpakkam Village had approached him and informed him that the property being Acre 2.08 cents in Marampedu Village, Ponneri Taluk was available for sale and belonged to some other persons. The said persons are alleged to have informed the defacto complainant that they had become owners of the property by virtue of the Will written by one Angan and that on account of their family problems, they wanted to sell the property in question for Rs.50,00,000/- and that it is further alleged that the defacto complainant had agreed to purchase the



property. In the said complaint that thereafter the said persons are alleged to have informed the defacto complainant that the property is within the Madras City Limits and therefore the Will had to be probated for which Rs.1,00,000/- was required and received the said amount and issued a receipt and also executed a Power of Attorney in the name of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that they are the innocent purchasers of the property in the year of 2012 through the Document No.10233 of 2012 for valid consideration. Subsequently, he sold the property to one Sugumar (A14) in the year of 2021. But, thereafter the defacto complainant who claimed himself as a power holder of original owner A1 to A7 gave a complaint against the original owner and this petitioner and other purchasers. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that all were colluded to created the documents. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, on perusal of the documents this petitioner purchase the property on 29.08.2012 for valid consideration and the copy of the document also enclosed and thereafter in the year of 2021 he sold the property. In the meanwhile, the defacto complainant also filed the suit in the year of 2014 with regard to cancellation of the document against the original owner and already civil dispute pending on the file of Principal District Court, Tiruvallur in O.S.No.78 of 2014, all the facts are related with the documentary evidence which are all in the year of 2012, he released on bail there is no possibility of tampering the evidence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed 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 Judicial Magistrate No.II, Ponneri, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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

WEB COPY (b) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders and co-operate for investigation;

(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 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]; and;

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

-sd/-
31/01/2022

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 JUDICIAL MAGISTRATE NO.II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
O/O THE SUPERINTENDENT OF POLICE,
TIRUVALLUR DISTRICT, TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
<https://hcservices.ecourts.gov.in/hcservices/>
HIGH COURT, MADRAS.



+1CC to G.MOHANA KRISHNAN
charges SR.NO.1444

Advocate on payment of necessary

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MK:03/02/2022

CRL OP.1905/2022

Date :31/01/2022