



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2666 of 2022

Baskar

... Petitioner

Vs.

The Inspector of Police,
Team XVII,
Anti Landgrabbing Special Cell,
Central Crime Branch,
Vepery, Chennai 600 007.
(Crime No.247 of 2017)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the Petitioner on bail in Crime No.247 of 2017, on the file of the respondent police pending investigation.

For Petitioner : Mr.G.Mohanakrishnan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 17.12.2021 for the offences under Sections 419, 465, 467, 468, 471 and 120-B of I.P.C in Crime No.247 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution the property belongs to Kamala Kaur and Manohar lal Mutha. Taking advantage of their absence, in order to grab their property, A1 and A2, the impersonators of the defacto complainant and Manohar lal Mutha executed a fake power deed in favour of A3/Murali in the year 2015 and also the said document was cancelled on 22.12.2015. on the same day, another power deed was executed in favour of A4/Saravanan, who in turn entered into a sale agreement with one Thilak Kumar. Subsequently, the said sale agreement was cancelled on 04.10.2016 and new sale agreement was entered into with one Sheela K.Sarath on 19.06.2017 for a sale consideration of Rs. 1.95 crores. When the original owners wanted to develop their property



and obtained EC, they came to know about the fraudulent acts committed by the accused and fake encumbrance made in their property. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is real estate mediator and he has not aware about the fabrication of the document and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 40 days from 17.12.2021. Hence, he prays for grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that FIR was lodged in the year of 2017. He further submits that totally 8 accused involved in this case and the petitioner is A7. A1, A7 and A8 arrested and other accused are still absconding and the investigation almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) 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 Crime No. 247 of 2017 before the concerned Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Land Grabbing Court, 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 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 on every Tuesday at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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



(h) 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;

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

-sd/-
04/02/2022

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 LANDGRABBING COURT
ALLIKULAM, CHENNAI.

2 THE INSPECTOR OF POLICE,
TEAM XVII, ANTI LAND GRABBING SPECIAL CELL,
CENTRAL CRIME BRANCH, CHENNAI 600007

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.MOHANAKRISHNAN Advocate on payment of necessary charges SR.NO.1909

CRL OP.2666/2022

Date :04/02/2022

JPA 07/02/2022