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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.3271 of 2020

and Crl.M.P.2310 of 2020

Vijayakumar

..Petitioner/A2

Vs.

State rep.by,
The Inspector of Police,
CCB-II, Vepery,
Chennai
Crime No.158 of 2019.

..Respondent

MRS.DEVIKA

[PETITIONER / INTERVENER]

[ORDERED AS PER ORDER OF THIS COURT DATED 21/06/2022 IN
CRL.MP.2310/2020 IN CRL.O.P.NO.3271/2020]

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.158 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Prabhakar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

For Intervenor : Mr.K.Arun Prasad

ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 22.01.2020 for the offences publishable under **Sections 419, 465, 467, 468, 471 read with 34 of IPC in Crime No.158 of 2019** on the file of the respondent police, seeks bail.



2. The case of the prosecution as per the defacto complainant Devika is that the two properties in plot Nos.44 and 44A in Perumal Nagar layout in Puthagaram Village, Ambattur Taluk, was purchased by her husband. Later, the husband of the defacto complainant namely Venugopal, went missing from 2003. Since, he was not to be found, the defacto complainant and her children had moved the Civil Court in O.S.No.5651 of 2012 and obtained an order of declaration that the said Venugopal is civilly dead following which, they also obtained a death certificate. Thereafter, on 16.10.2018, both the children of the defacto complainant relinquished their right in the property and settled the same in favour of the defacto complainant. While so, shortly prior to that on 12.06.2018, A2 and A3 had obtained a sale deed in their favour as if, it was executed by the said Venugopal. A1 had impersonated as Venugopal and sold the property to A2 & A3 and, A4 & A5 are said to be the witness and brokers who struck the deal. Further, the Sub Registrar of the concerned SRO is also added as an accused. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this Court by order dated 09.03.2020 granted interim bail to the petitioner on certain conditions. Thereafter, as directed by this Court, the petitioner filed application before the District Munsif Court, Madhavaram in OS.No.118 of 2019 to declare the sale deed executed in his favour as null and void and the same has now been cancelled. Hence, he prays for grant of bail to the petitioner.

4. The learned Counsel for the defacto complainant/intervenor also submitted that the sale deed executed in favour of the petitioner has now been cancelled.

5. In view of the above submissions that the sale deed executed in favour of the petitioner has been cancelled, the interim bail granted to the petitioner in CrI.OP.No.3271 of 2020 dated 09.03.2020 is made absolute on the following conditions;

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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21/06/2022

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 LAND GRABBING COURT
THIRUVALLUR

2 THE DISTRICT MUNSIF
MADHAVARAM

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
CCB-II, VEPERY,
CHENNAI.

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

CRL OP.3271/2020
and CrI.M.P.2310 of 2020

Date :21/06/2022

TA-23/06/2022