



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9129 of 2022

Sathyavelan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
CCB-I, EDF-II,
Team-IV, Vepery,
Chennai.
(Crime No.336 of 2020)

.. 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.336 of 2020 on the file of the respondent police.

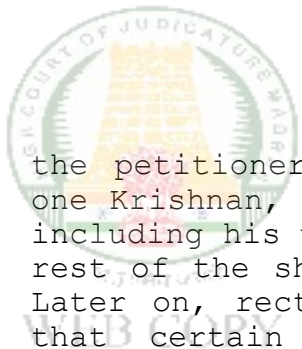
For Petitioner : Mr.V.Karthikeyan
for M/s.S.Joel

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested on 29.03.2022 for the offences punishable under Sections 420, 465, 467, 468, 471, 109 and 120B of IPC in Crime No.336 of 2020, on the file of the respondent police, seeks bail.

2.The petitioner herein, who is the son of one Ponnammal was arrested on 29.03.2022 on a complaint given by one Ravinder Kumar alleging that Ponnammal, who is the mother of this petitioner along with the other accused have fraudulently mortgaged the property with the defacto complainant and availed loan from the father of the defacto complainant and on verification of the Encumbrance Certificate, he has come to know that the property mortgaged by Ponnammal does not belong to her. However, the learned counsel for



the petitioner would submit that the property originally belongs to one Krishnan, father of the petitioner. On his demise, 8 legal heirs including his wife Ponnammal inherited the property and on 13.12.2004, rest of the sharers relinquished their right in favour of Ponnammal. Later on, rectification deed was registered taking note of the fact that certain discrepancies in the relinquished deed. Ponnammal mortgaged the property and availed loan from the Federal Bank in the year 2014. The same was redeemed on 04.07.2017 to be mortgaged with the defacto complainant. The defacto complainant had also advanced further loan based on the deed. There is no cloud title over the property however alleging that the petitioner without title over the property, cheated the defacto complainant. The complaint has been lodged and the petitioner was arrested on 29.03.2022,

3. Pointing out the defacto complainant has already instituted a mortgage suit before the Original Side of the Madras High Court for recovery of money and the same is pending in C.S. (Commercial Division) No.734 of 2019, learned Additional Public Prosecutor appearing for the respondent would submit that the property which was mortgaged with the defacto complainant by Ponnammal based on the relinquishing deed and rectification deed executed by this petitioner and another, in fact does not belong to Krishnan. Much before his death, he had sold it to one Baskara Rao, who in turn executed the Power of Attorney in favour of one Thomas and through Thomas, land was spotted over and sold to 15 different persons and the same is reflected in the Encumbrance Certificate. However, the said fact is denied by the learned counsel for the petitioner stating that the property is still with the petitioner's mother and the genuineness of the property found in the Encumbrance Certificate are to be tested and no claim was made by any persons regarding the title of the subject property.

4. This petitioner was arrested on 29.03.2022 and the overtact alleged by the defacto complainant is execution of relinquishing deed in favour of his mother and the subsequent rectification deed. It is not the case of the defacto complainant that the petitioner availed loan from the defacto complainant while so, the defacto complainant, who has advanced loan without verifying the title and who had already instituted suit for recovery of money, cannot have any grievance against this petitioner, who has nothing to do with the loan transaction with the defacto complainant.

5. Taking note of the said reason, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Alandur;



(b) 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;

WEB COPY (c) the petitioner is directed to appear before the Investigating Officer as and when required.

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

(e) 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];

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

-sd/-
25/04/2022

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.I, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CCB -I, EDF -II, TEAM -IV,
VEPERY, CHENNAI.

4 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET, PUZHAL.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.JOEL Advocate on payment of necessary charges
SR.NO.6112

CRL OP.9129/2022

Date :25/04/2022

JPA 25/04/2022