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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9829 OF 2022

1. Rajendran

2. Babu @ Dhanasekaran

... Petitioners/
Accused 1 & 2

Vs.

The State represented by
Sub Inspector of Police,
CCB 1, Chennai.
(Crime No. 76 of 2019)

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 482 Cr.P.C., to pass an order of Direction, direct the CCB, CBCID Court, Metropolitan Magistrate, Egmore, Chennai - 600 008 to return the Original Title Deed Document Numbers 5532 of 2016 and Document No.3426 of 2012 the Original document deposit in Crime No. 76 of 2019 on the file of the CCB, CBCID, Metropolitan Magistrate, Egmore, Chennai.

For Petitioners : Mr.K.Nagarajan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to direct the CCB, CBCID Court, Metropolitan Magistrate, Egmore, Chennai - 600 008 to return the Original Title Deed Document Nos.5532 of 2016 and 3426 of 2012 being the Original document deposit in Crime No. 76 of 2019 on the file of the CCB, CBCID, Metropolitan Magistrate, Egmore, Chennai.

2. Learned counsel for the petitioners would submit that petitioners are A1 and A2 in Crime No.76 of 2019, registered by



the respondent /Police for the offences under Sections 406, 420, 465, 467 and 471 of IPC. He would further submit that the petitioners have applied for anticipatory bail before this Court in Crl.O.P.No. 6293 of 2019 and this Court, by order dated 24.04.2019, granted anticipatory bail with a condition that the petitioners together, shall deposit property documents of themselves, their relatives / their friends or all, put together worth a sum of Rs.25 Lakhs (Rupees Twenty Five Lakhs only) before the CCB and CBCID Court, Metropolitan Magistrate, Egmore. Pursuant to the order passed by this Court, the friend of the 1st petitioner i.e., one Senthurpandian had deposited his document bearing Registration No.5532 of 2015 relating to his property and the wife of the 2nd petitioner submitted her property documents bearing Document No.3426 of 2012 before the Court below. The learned trial Judge also accepted the sureties and released the petitioners on bail. From the date of furnishing the documents before the Court below, the documents are in the custody of the Court. Now, three years have lapsed and the investigation has now been stayed by this Court. The persons who have offered their documents want it back for some other purpose and they have been requesting the petitioners to take back the documents and give the same to them. In lieu of the return of these documents, the petitioners are prepared to substitute the same, by either two documents or one document to the value of Rs.25 Lakhs (Rupees Twenty Five Lakhs only) and he prayed that a direction may be issued to the learned Metropolitan Magistrate, CCB, CBCID, Egmore, Chennai to permit the petitioners to substitute the documents by some other documents.

3.Learned Additional Public Prosecutor appearing for the respondent would submit that the investigation has been stayed, pursuant to the order passed by this Court in Crl.O.P.No.6293 of 2019.

4.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5.The petitioners have furnished the title deeds, viz Document Nos. 5532 of 2016 and 3426 of 2012, pursuant to the order passed by this Court in Crl.O.P.No. 6293 of 2019 on 24.04.2019. The petitioners have come up with a request seeking to return the above documents in lieu of substituting those documents by some other documents worth the same value. This Court is of the opinion that no prejudice would be caused to the petitioners by permitting the petitioners to substitute the documents for the same value.

6.In view of the above, a direction is issued to the learned



Metropolitan Magistrate, CCB, CBCID, Egmore, Chennai to permit the petitioners to substitute Documents Nos. 5532 of 2016 and 3426 of 2012 which have been furnished in pursuant to the order of this Court dated 24.04.2019 in Crl.O.P.No.6293 of 2019, with some other original title deeds worth the same value. On satisfaction, the learned trial Judge shall return the documents.

7. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vkr/nti

To

1. The CCB, CBCID Court,
Metropolitan Magistrate, Egmore,
Chennai - 600 008
2. The Sub Inspector of Police,
CCB 1, Chennai.
3. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.N.S.Jayanthi, Advocate, S.R.No.30383

Crl.O.P.No.9829 of 2022

SKM(CO)
PM/12/05/2022