



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12118 of 2022

HARIDASS

[ PETITIONER / ACCUSED ]

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE  
CENTRAL CRIME BRANCH-I,  
CHENNAI 600 007,  
CRIME NO.242 OF 2021.

[ RESPONDENT ]

For Petitioner : M/S. V.KANNADASAN Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner - the fourth accused, who was arrested and remanded to judicial custody on 25.3.2022 for alleged offences under Sections 406, 420, 468 and 471 read with Section 34 of the Indian Penal Code, seeks bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that the accused persons have fabricated documents and sold two plots to the defacto complainant after receiving a sum of Rs.61,49,000/-. It was found that the patta and the approval of the Chennai Metropolitan Development Authority that were given to the defacto complainant were found to be fake documents.

4. Totally, there are six accused in this case.



5. The case of the petitioner is that the property originally consisted of an extent of 480 cents, which belonged to the father of the petitioner and his brothers. They partitioned the property among themselves and a registered partition deed was executed on 08.12.1987 whereby an extent of 48 cents in S.No.203/2 was allotted in favour of the father of the petitioner. The further case of the petitioner is that his father along with the adjacent land owner had converted their properties into house sites in the name of Raja Garden. The father of the petitioner retained three plots namely plot Nos.106, 109 and 111. He settled those properties in favour of his three sons and the petitioner is one of the sons, who has been arrayed as the fourth accused in this case. The settlement took place through a settlement deed dated 21.4.2014 registered as doc.No. 4193 of 2014. Subsequently, the petitioner and his brothers agreed to sell one plot to M/s.R.J.Housing Property Private Limited and received a sum of Rs.16,08,000/-. The petitioner also got one third share of it to the tune of Rs.5,50,000/-. The petitioner feigns ignorance in so far as the fake patta and the approval of the CMDA were concerned and he puts the blame on the realtors.

6. The learned Additional Public Prosecutor submits that this is a case where the accused persons indulged in creating forged and fabricated documents and cheated the defacto complainant to the tune of Rs.61,49,000/-. It is further submitted that only A1 has been arrested and A2, A3, A5 and A6 are still absconding.

7. Taking into consideration the facts and circumstances of the case and also the the fact that the entire case is borne out by documents and as the petitioner is claiming for a right over the property through the two earlier registered documents and as the petitioner has already suffered incarceration for 59 days, no useful purpose will be served in keeping the petitioner behind bars and it will be more appropriate to enlarge the petitioner on bail by imposing stringent conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.1, Poonamallee and on further conditions 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.

[b] the petitioner shall report before the respondent - Police at 10.30 a.m daily until further orders.



[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 petitioners 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/-

23/05/2022

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE  
CENTRAL CRIME BRANCH I,  
CHENNAI 600007,

4 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. V.KANNADASAN Advocate on payment of necessary charges SR.NO.7804

CRL OP.12118/2022

Date :23/05/2022

JPA 24/05/2022