



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION Nos.11838,11993,12057 & 12065 of 2022

YASEEN SHERIFF @ YASIN SHERIF [PETITIONER/ ACCUSED
IN CRL.OP.NO.11838/2022]

R.MALLIKA [PETITIONER/ ACCUSED
IN CRL.OP.NO.11993/2022]

A.NAUSHAD [PETITIONER/ ACCUSED
IN CRL.OP.NO.12057/2022]

R.RAMESH BABU [PETITIONER/ ACCUSED
IN CRL.OP.NO.12065/2022]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM,-XVII, ANTI LAND GRABBING
SPECIAL CELL-II,
EGMORE, CHENNAI.
(CRIME NO.24/2022)
IN CRL.OP.NOs.11838&11993/2022]

THE SUB INSPECTOR OF POLICE [RESPONDENT]
CENTRAL CRIME BRANCH-XVII
ANTI LAND GRABBING CELL,
VEPERY, CHENNAI-7.
(CRIME NO.24/2022)
IN CRL.OP.NO.12057/2022]

THE SUB INSPECTOR OF POLICE [RESPONDENT]
CENTRAL CRIME BRANCH-II
CHENNAI.
(CRIME NO.24/2022)
IN CRL.OP.NO.12065/2022]



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For Petitioner : M/S.LOUISAL RAMESH Advocate
[IN CRL.OP.NO.11838/2022]

: M/S.K.T.S.SIVAKUMAR Advocate
[IN CRL.OP.NO.11993/2022]

: M/S.R.RAFI BABU Advocate
[IN CRL.OP.NO.12057/2022]

: M/S.M.RAMASAMY Advocate
[IN CRL.OP.NO.12065/2022]

For Respondent : MR.E.RAJ THILAK, Additional Public Prosecutor
[IN ALL THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.Nos. 11838, 12057 & 11993 of 2022, who were arrested and remanded to judicial custody on 01.04.2022, 19.06.2021 respectively, for the alleged offences under Sections 419, 465, 467, 468, 471 read with 34 and 109 of I.P.C in Crime No.24 of 2022 on the file of the respondent police, seek bail.

2. The petitioner in Crl.O.P.No. 12065 of 2022, who was arrested and remanded to judicial custody on 01.04.2022 for the alleged offences under Sections 109, 34, 419, 465, 467, 468 and 471 of I.P.C in Crime No.24 of 2022 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that the property originally belonged to one Balasubramaniam, who had executed a Will dated 01.06.1965 in favour of his son Nagarajan. The legal heirs of Nagarajan thereafter applied for probate before this Court and the same was granted through an order dated 08.01.2014. The defacto complainant gave a complaint to the effect that A1 impersonated as if she is the wife of Balasubramaniam and a settlement deed was executed in favour of one Radha. Based on the same, a power of attorney was given in favour of one Prabhu and he sold the property in favour of one Kumar and the said Kumar created a mortgage by deposit of title deeds. There are totally 14 accused persons in this case and the petitioners are ranked as A5, A7, A11 and A12.



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4. In so far as A-5 and A-7 are concerned, they are the attesting witnesses in the rectification deed dated 29.05.2021 that was executed by A1. In so far as A11 and A12 are concerned, they stood as attesting witnesses in the sale deed that was executed by S.Kumar.

5. Heard Mr. Louisal Ramesh, learned counsel for the petitioner in Crl.O.P.No. 11838 of 2022, Mr.K.T.S.Sivakumar, learned counsel for the petitioner in Crl.O.P.No. 11993 of 2022, Mr.R.Rafi Babu, learned counsel for the petitioner in Crl.O.P.No. 12057 of 2022 and Mr. M.Ramasamy, learned counsel for the petitioner in Crl.O.P.No. 12065 of 2022 and also Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing on behalf of the respondent.

6. In the present case, all the petitioners stood as attesting witnesses. The learned counsel for the petitioners submitted that they were not aware about the fake document that was created by A1 or by the said Kumar. That apart, there are no previous cases against the petitioners and they do not have any bad track record. The petitioners have also suffered incarceration for nearly 49 days and 11 months respectively.

7. In view of the above, this Court is inclined to enlarge the petitioners on bail by subjecting them to stringent conditions.

8. In view of the above discussion, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Special Metropolitan Magistrate, Land Grabbing Court No.II (FAC), Egmore at Allikulam, Chennai in Crl.O.P.Nos. 11838 & 11993 of 2022; the learned Metropolitan Magistrate, for CCB/CBCID, at Egmore, Chennai in Crl.O.P.No. 12057 of 2022 and Land Grabbing Special Court-II, Allikulam, Chennai in Crl.O.P.No. 12065 of 2022 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 petitioners shall report before the respondent police every Monday at 10.30 a.m. until further orders.

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

[d] the petitioners 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 petitioners 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/-

19/05/2022

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 SPECIAL METROPOLITAN MAGISTRATE,
LAND GRABBING COURT NO.II (FAC),
EGMORE AT ALLIKULAM, CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
FOR CCB/CBCID, AT EGMORE, CHENNAI.

3 THE LAND GRABBING SPECIAL
COURT-II, ALLIKULAM, CHENNAI.

4 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEA, -XVII,
ANTI LAND GRABBING SPECIAL CELL-II,
EGMORE, CHENNAI.

6 THE SUB INSPECTOR OF POLICE
CENTRAL CRIME BRANCH-XVII
ANTI LAND GRABBING CELL,
VEPERY, CHENNAI-7.

7 THE SUB INSPECTOR OF POLICE
CENTRAL CRIME BRANCH-II
CHENNAI.



8 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

9 THE SUPERINTENDENT,
SPECIAL CENTRAL PRISON FOR WOMEN AT PUZHAL,
CHENNAI.

10 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.LOUISAL RAMESH Advocate on payment of necessary
charges SR.NO.7517

+1CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary
charges SR.NO.7530

+1CC to M/S.R.RAFI BABU Advocate on payment of necessary
charges SR.NO.7532

+1CC to M/S.M.RAMASAMY Advocate on payment of necessary charges
SR.NO.7550

CRL OP.NOs.11838,11993,12057&12065/2022

Date :19/05/2022

CSK 19/05/2022