



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION Nos.12723 & 12734 of 2022
AND CRL.MP.NO.6986/2022 IN CRL.OP.12734/2022

A.SATHEESH KUMAR

[PETITIONER / ACCUSED IN
BOTH THE PETITIONS]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH (CCB-II),
OFFICE OF COMMISSIONER OF POLICE,
CHENNAI
(CRIME NOS.88/2017 & 130/2019)

[RESPONDENT IN BOTH THE PETITIONS]

M.MISRILAL

..PETITIONER/INTERVENER/DEFACTO COMPLAINANT
ORDERED AS PER ORDER OF THIS COURT DATED
15/06/2022 MADE IN CRL.MP.NO.6986/2022

For Petitioner : M/S. P.ARUMUGAVEL Advocate [IN BOTH THE PETITIONS]

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

For Intervenor : M/S K.AMSALEKHA Advocate [IN CRL.MP.NO.6986/2022]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 467, 468, 471, 420, 506(ii) of IPC, in Crime No.88 of 2017, seeks anticipatory bail.

2. The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 120B, 34 of IPC, in Crime No.130 of 2019, seeks anticipatory bail.

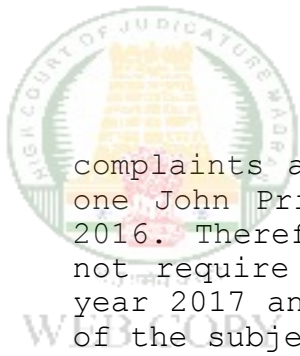


3. The case of the prosecution in CrI.O.P.No.12723 of 2022 is that there are totally 5 accused in which the petitioner is arrayed as A3. A1 executed a fake release deed in favour of A2. Subsequently, A2 executed a Power of Attorney in favour of A3 and A4. Thereafter, the defacto complainant came to know that A1 and A2 had colluded together and created forged documents with the help of other accused. Hence, the complaint.

4. The case of the prosecution in CrI.O.P.No.12734 of 2022 is that there are totally 6 accused in which the petitioner is arrayed as A5. A1 sold the property comprised in Survey No.75/27, 75/28, 75/29 to an extent of 4800 sq.ft situated at Plot No.1473, Ram Nagar North Extension layout, Madipakkam Village, Solinganallur Taluk, Kancheepuram District to the defacto complainant by assuring that he is the Power of Attorney of the above said property. Thereafter, the defacto complainant came to know that A1 and A2 had colluded together and created forged documents with the help of other accused. Hence, the complaint.

5. Heard both sides.

6. It is seen that originally, the property comprised in Survey No.75/27, 75/28, 75/29, ad-measuring 4800 sq.ft situated at Plot No.1473, Ram Nagar North Extension layout, Madipakkam Village, Solinganallur Taluk, Kancheepuram District were purchased by one Gopinath registered vide Sale deed Document No.5250 of 1963. Thereafter, the said property was settled in favour of his sons namely Nanthagopala and Yadunanathan registered vide Document Nos.3545 of 1986 and 3546 of 1986 respectively. While being so, the accused persons impersonated as if the first accused in Crime No.88 of 2017 is the legal heir of the said property and A1 in Crime No.88 of 2017 executed a release deed in favour of A2 in Crime No.88 of 2017. In turn, A2 in Crime No.88 of 2017 executed Power of Attorneys in favour of A3 and A4 namely the petitioner and one Mohana Sundar. On the strength of the Power of Attorney, the petitioner and A4 in Crime No.88 of 2017 executed a sale deed in favour of A5 in Crime No.88 of 2017. Thereafter, A2 filed a suit in O.S.No.384 of 2016 on the file of the District Munsif Court, Alandur and entered into compromise between the parties. Again, the sixth accused in Crime No.130 of 2019 filed another suit before this Court in C.S.No.566 of 2019 for recovery of money as against his vendors and it is pending. On the complaint lodged by the original owner of the property, the complaint has been registered in Crime No.88 of 2017, who is an accused in Crime No.130 of 2019. However, the first accused in Crime No.130 of 2019 was granted anticipatory bail. Subsequently, the fifth accused in Crime No.88 of 2017 filed petition for cancellation of anticipatory bail. The fifth accused cannot file a petition for cancellation of anticipatory bail as against the co-accused. Therefore, he filed another complaint and as such the said complaint was registered in Crime No.130 of 2019. Therefore, both the



complaints are of the year 2017 and 2019. The petitioner's principle one John Prince who is A2, entered into compromise in O.S.No.384 of 2016. Therefore, the custodial interrogation of the petitioner does not require in both the crime numbers, since the crimes are of the year 2017 and 2019 and he has also entered into compromise in respect of the subject property.

7. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Alandur, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 daily Morning at 10.30 a.m, and Evening 05.00 p.m, for a period of Three weeks and thereafter as and when required for interrogation.

[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 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/-

15/06/2022

WEB COPY

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, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH (CCB-II),
OFFICE OF COMMISSIONER OF POLICE,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. P.ARUMUGAVEL Advocate on payment of necessary
charges Sr.Nos.9382 & 9381

CRL OP.Nos.12723 & 12734/2022

Date :15/06/2022

RVR 22/06/2022