



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.13649 of 2022

R.Malliga

... Petitioner

Vs.

State rep by
The Inspector of Police,
CCB Team - XVI Police Station,
Central Crime Branch,
Chennai.
Crime No.187 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.187 of 2021 pending on the file of the respondent police.

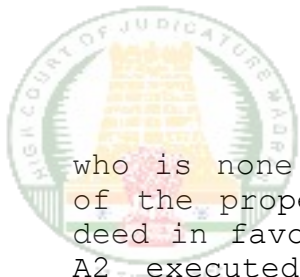
For Petitioner : Mr.K.T.S.Sivakumar

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2022 for the offence punishable under Sections 419, 465, 467, 468, 471, 120(B), 109 of IPC in Crime No.187 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the property comprised in R.S.No.3953 of 2021 situated at 13/7, 5th Main Road, R.A.Puram, Chennai to an extent of 3874 sq.ft., was originally purchased by the defacto complainant's mother viz., N.Thilakam and after her demise, the said property devolved upon her legal heirs viz., the defacto complainant and others. While being so, the accused persons fabricated the death certificate, as if all the legal heirs were died on various dates and obtained legal heir certificate as if the first accused is the legal heir of the deceased defacto complainant's brother and thereafter divided the said property in two parts ad measuring 1735 sq.ft. One portion of the said property was settled in favour of the third accused, in turn the third accused settled the said property in favour of the petitioner, who is arrayed as A5 and thereafter, the petitioner settled the said property in favour of A6,



who is none other than her own sister. Insofar as the other portion of the property is concerned, the first accused executed settlement deed in favour of A2, in turn on the strength of the settlement deed, A2 executed General Power of Attorney in favour of A4. On the strength of the General Power of Attorney, A4 sold out the property to A7. Subsequently, A7 by depositing original document of title, borrowed a sum of Rs.2,20,00,000/- from Punjab National Bank. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that as far as the petitioner is concerned, she arrayed as fifth accused and she was settled with the property, in turn she settled the property in favour of A6. He further submitted that the petitioner is ready and willing to cancel the settlement deed executed in her favour and also in favour of A6. He also submitted that the petitioner was arrested and remanded to judicial custody on 27.04.2022 and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner had knowledge about the legal heirs of the original owner and connived with other accused persons created the fabricated false document and encumbered the title of the property. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also the period of incarceration by the petitioner from the date of her arrest i.e., from 27.04.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Special Metropolitan Magistrate, Land Grabbing Court No.II (FAC), Egmore, at Allikulam, Chennai, 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 cancel the settlement deeds executed in her favour and also the executed by her in favour of the six accused and also produce the cancellation certificate before the respondent police within a period of two weeks from the date of her release, failing which the respondent police is directed to secure the petitioner, without any reference to this Court.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.



[c] the petitioner shall not abscond either during investigation or trial.

[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 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/-
14/06/2022

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 CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CCB TEAM-XVI POLICE STATION,
CENTRAL CRIME BRANCH, CHENNAI.

4 THE SUPERINTENDENT,
SPECIAL CENTRAL PRISON FOR WOMEN, PUZHAI,
CHENNAI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary
charges SR.No.9050

CRL OP.13649/2022

Date :14/06/2022

CSK 15/06/2022