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CrI.OP.No.17188 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM

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

CrI.OP.No.17188 of 2022

V.Sadasivam

...Petitioner

Vs.

The State of Tamil Nadu
rep. by the Inspector of Police
Team XVII, Anti Land Grabbing Wing
Central Crime Branch -1
Greater Chennai City
Vepery, Chennai – 600 007
(Crime No.108/2022).

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge petitioner on bail in Crime No.108/2022 on the file of
Inspector of Police, Team XVII, Anti Land Grabbing Wing, CCB-1,
Greater Chennai City, Vepery, Chennai – 600 007.

For Petitioner	: Mr.J.Selvarajan
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 30.06.2022 for the offences punishable under Sections 420,
465, 467, 468 & 471 read with Section 120-B of IPC in crime No.108 of



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2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 01.02.2022, the *de-facto* complainant has preferred a complaint before the Commissioner of Police, Greater Chennai, Chennai alleging that she is the owner of the land admeasuring an extent of 3274 Sq.ft., comprised in Survey No.132/3A2, bearing plot No.1, situated at 8th street, Kuberan Nagar, Madipakkam, Chennai having purchased the same from one Muthulingam and Ravikumar through a sale deed dated 05.09.2005, vide document No.3842/2005 in the office of SRO, Velacherry and her vendors have purchased the said property from one Mrs.Ansibai, through a sale deed dated 09.03.2001 at SRO, Velacherry, vide document No.957/2001 and she had been in possession and enjoyment of the said property right from the purchase without any hindrance. While being so, during February 2022, she had intended to develop the said property and applied for bank loan, when she searched online encumbrance certificate, to her shock and surprise, she has found that the persons namely Rengasamy S/o. Jambulingam, Harikrishnan S/o Rengasamy, Narayana Murthy S/o Katirvel, Sub-Registrar, Velacherry, Srividhya.R W/o Baskar



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and Swathy.U W/o Sathish have colluded and conspired together and fraudulently created bogus and fake documents for the very same property and grabbed her property and without any parent document, the said Rengasamy and Harikrishnan have fraudulently created a settlement deed dated 20.04.2021 and also a General Power of Attorney deed dated 20.04.2021 on the file of SRO, Velacherry and sold the same to the said Srividhya and Swathy by making the said plot in to two parts and committed the offence of grabbing the land of the *de-facto* complainant. Hence, the complaint.

3. There are totally 10 accused in which the petitioner is arrayed as A8. Even according to the case of the prosecution, A1 on the strength of the sale deed of the year 1965 executed Settlement deed in favour of A2. A2 in turn executed sale deed in favour of A3. The petitioner acted as Real Estate broker and helped other persons to fabricate the documents and sold out the same in favour of innocent purchasers A5 & A6.

4. Considering the above facts and circumstances of the case



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and also the period of incarceration by the petitioner from the date of his arrest i.e. 30.06.2022, this Court is inclined to grant bail to the petitioner. 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 Metropolitan Magistrate for Exclusive Trial of Land Grabbing Cases, Egmore, 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 report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[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.**



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State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Metropolitan Magistrate for Exclusive
Trial of Land Grabbing cases,
Egmore, Chennai.
- 2.The Inspector of Police
Team XVII, Anti Land Grabbing Wing
Central Crime Branch -1
Greater Chennai City
Vepery, Chennai – 600 007
- 3.Sub-Jail,
Saidapet, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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