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CrI.OP.No.18229 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

CrI.OP.No.18229 of 2022

Janakiraman

...Petitioner

Vs.

The State Represented by
Inspector of Police,
District Crime Branch (DCB),
Vellore District.
Crime No.7 of 2021.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge him on Bail in Crime No.7 of 2021 on the file of
respondent police.

For Petitioner	: Mr.C.Anbu
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 05.07.2022 for the offences punishable under Sections **120,**
294(b), 341, 420, 465, 468, 506(i) of IPC in Crime No. 7 of 2021 on
the file of the respondent police, seeks bail.



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2.The case of the prosecution is that, the petitioner without any title deed has executed General Power of Attorney and based on which the sale agreement was entered with the 5th accused, where the other accused persons has facilitated the same. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that *de-facto* complainant is a relative to the petitioner's family. There were totally five accused persons and the petitioner was arrayed as A4. Further, the disputed property in the First Information Report was ancestral Property originally belonging to one Deivasigamani Mudaliar. After his death, the legal heirs Viz. Padma @ Padmavathy (daughter) and Kannappan (son) has succeeded the property. The petitioner's father namely Kumar is the son of the said Padma @ Padmavathy and he has filed a partition suit in O.S.No.35 of 2008 pending on the file of Sub-Court, Vellore. Suppressing the above facts, the *de-facto* complainant has lodged the above complaint as against the petitioner and all other accused person. Hence, he prays for grant of bail to the petitioner.



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4. There are totally 5 accused persons, in which the petitioner is arrayed as A4. As per the case of the prosecution, A1 who is the father of the petitioner herein settled the subject property by executing Power of Attorney in favour of A4, who in turn executed sale agreement in favour of his own wife. A1 already filed a suit for partition in O.S.No.35 of 2008 before the Sub Court, Vellore and it is pending. The *de-facto* complainant is also none other than the relative of the petitioner and he is also claiming the subject property.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 05.07.2022, 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 Judicial Magistrate - IV, Vellore**, 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



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daily at 10.30 a.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. State of Kerala [(2005)AIR SCW 5560]**.

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

03.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate - IV, Vellore.
- 2.The Inspector of Police,
District Crime Branch (DCB),
Vellore District.
- 3.Vellore Central Prison, Thorapadi.
- 4.The Public Prosecutor,
High Court of Madras

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