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Crl.O.P.No.19482 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM

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

Crl.OP.No.19482 of 2022

Arokiaraj

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
CBCID Police Station,
Puducherry.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.18 of 2020 on the file of the Inspector of Police, CBCID Police Station, Orleanpet, Puducherry.

For Petitioner : Mr.B.Balavijayan

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.06.2022 for the offence under Sections 406, 420, 468, 471, 120(B) of IPC r/w 34 of IPC in Crime No.18 of 2020 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the defacto complainant was interested in purchasing the properties owned by one Seetharaman (A3) and he had parted a sum of Rs.1,63,02,000/- as part of sale consideration to the said Seetharaman and also entered in to a sale agreements dated 20.03.2019. On receiving the amount, the said Seetharaman protracts to execute the sale deed and on verification, it came to light that the properties that were agreed to be sold are not owned by the said Seetharaman and those properties belong to Alanthavar Trust. Further alleged that the accused persons created the forged documents to cheat the defacto complaint. It is further alleged that the petitioner is doing real estate business and he was acted as mediator in the above said transactions. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that even accordingly to the defacto complainant, the third accused had received all the money. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that, the petitioner was arrested and remanded to judicial custody on 15.06.2022 and more than two months he has been incarcerated. Hence, he prays for grant of bail to the petitioner.



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4. The learned Public Prosecutor (Pondy) appearing for respondent submitted that totally there are 12 accused in which the petitioner is arrayed as A2. The petitioner was acted as mediator between the defacto complainant and one Seetharaman and he induced the defacto complainant to give money to the third accused to purchase the properties. Further the petitioner along with other accused persons fabricated the document with intention to cheat the defacto complainant. He further submitted that the investigation is still pending and hence he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner is arrayed as A2 and it is alleged that he induced the defacto complainant to purchase the properties. Even according to the defacto complainant, he had parted the money to the third accused and the petitioner has not received any amount. Considering the facts and circumstances of the case and also considering the period of incarceration by the petitioner from the date of his arrest viz., 15.06.2022, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, 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



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sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Pondicherry, 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 appear before the respondent police daily twice 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. 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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To

1. The Chief Judicial Magistrate,
Pondicherry.
2. The Inspector of Police,
CBCID Police Station,
Puducherry.
3. The Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.
Chennai.



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G.K.ILANTHIRAIYAN, J.

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