



Crl.O.P.No.23173 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23173 of 2022

D.Selvam @ Selvaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch,
Coimbatore.
Crime No.13 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.13 of 2022 on the file
of the respondent police.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



Crl.O.P.No.23173 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Sections 120(B), 419, 420, 465, 467 and 468 of IPC, in Crime No.13 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the accused, by fabrication and impersonation grabbed his property measuring 2.02 Acres. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Financier and the other accused had deposited the document and had obtained a loan of Rs.15,00,000/- from him. Thereafter, the other accused have also after sometime, brought a person stating that he is the owner of the property and settled the loan and taken the documents from the petitioner and they have by impersonation and fabrication of documents, sold the property to a third party. He would also submit that other than giving loan to the other accused, the petitioner had nothing to do with the alleged offence. He would further submit that the petitioner is in



Crl.O.P.No.23173 of 2022

custody from 22.08.2022 and he has no previous cases as against him.

Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is a Financier, who along with the other accused, by impersonation and fabrication of documents, sold the property belonging to the defacto complainant. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner from 22.08.2022 and also the fact that the case of the prosecution is also borne out by records and there are no previous cases as against the petitioner, this Court is inclined to grant bail to the petitioner.



CrI.O.P.No.23173 of 2022

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Judicial Magistrate/Special Court for Land Grabbing Cases, Coimbatore**, 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 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



CrI.O.P.No.23173 of 2022

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 abscond, a fresh FIR
can be registered under Section 229A IPC.

26.09.2022

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To

1. The Special Judicial Magistrate,
Special Court for Land Grabbing Cases, Coimbatore.
2. The Inspector of Police,
District Crime Branch,
Coimbatore.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.23173 of 2022

Crl.O.P.No.23173 of 2022

26.09.2022