



Crl.O.P.No.25977 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

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

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B.Arokiyaraj @ Arockiaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch I - Team II
Chennai - 600 007.

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.155 of 2022 on the file of the respondent herein.

For Petitioner : Mr.C.Sakthivel

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2022, for the offences punishable under Sections 419, 465, 467, 468, 471, 420 r/w 34 IP, in Crime No.155 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the case property belonging to one Prabhavathy/de-facto complainant and her relative one Natarajan @ Ilangovan in Plot No,153, 154, 155 in Survey N0.83/3, Kamaraj Nagar, Mathur Villag and Plot No.156 was purchased in the name of Natarajan @ Ilangovan during the month of February 2022. The petitioner along with the other accused namely Rajesh, Arockia Raj, Guruprasath, Lavanya, Paranthaman, Selvakumar, Govindarajm, Rajkumar, Paulpandi, Jayaraman and Venkatesan have joined together and made a criminal conspiracy with an intention to grab the property from the /de-facto complainant and her relative one Natarajan @ Ilangovan. Thereafter, with the help of SRO, Thiruvottiyur, by impersonating the original owners had created fake documents such as settlement deed in favour of one Lavanya and General Power of Attorney in



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favour of the Arockiya Raj and using the same, the accused have entered into an agreement for sale and sold the properties to the third parties. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person doing real estate business. He would further submit that A11 has settled the property in favour of the his daughter A3 and on believing them the petitioner had agreed to sell the property, other than that the petitioner is not aware of anything with regard to the impersonation and fabrication of documents. He would further submit that the co-accused A9, who is the attestor to the documents, in this case has been granted with bail by this Court in Crl.O.P.No.23882 of 2022 dated 29.09.2022. He would also submit that the major part of the investigation is over and the petitioner is still in custody from 12.08.2022. Hence, 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 along with other accused had indulged in a criminal conspiracy and fabricated the documents in favour of



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one of the accused and by impersonating, sold the property belong to the de-facto complainant to the third parties. He would also submit that the the third accused is yet to be secured and the investigation is pending. Hence, he oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner are 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 Metropolitan Magistrate, Land Grabbing Court -II (FAC), Allikulam**, and on further conditions that:



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

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To

1. The Special Metropolitan Magistrate,
Land Grabbing Court II (FAC), Allikulam.
2. The Inspector of Police,
Central Crime Branch I - Team II,
Chennai - 600 007.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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