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CrI.O.P.No.26560 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

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

CrI.O.P.No.26560 of 2022

Jagadeesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruvottriyur Police Station,
Chennai.

(Crime No.762/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.762
of 2022 pending investigation on the file of the respondent Police.

For petitioner : Mr.R.C.Paul Kanagaraj

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



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 05.10.2022 for the offences punishable under Sections 406 & 420 of IPC, in Crime No.762 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that the accused had represented to the de-facto complainant that they intended to purchase her property and they had taken the original title deeds under the guise of verification in the year 2020 and thereafter, they neither registered a sale deed nor returned the original title deeds and without the knowledge of the de-facto complainant, they had pledged the original title deeds with A6 & A7 to the tune of Rs.13 lakhs and had cheated the de-facto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner, who is originally a land broker, is an innocent person. He would further submit that the de-facto complainant has handed over the original



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documents to A6 for selling her property, whereas, she has given a false complaint as against the petitioner and the petitioner have not received any money. He would further submit that the original documents are stated to have been recovered by the respondent from A6 & A7. He would also state that the petitioner is in custody from 05.10.2022 and 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, who is arrayed as A2 in this case, along with the other accused cheated the de-facto complainant under the guise of purchasing her property, taken the original title deeds from her for the purpose of verification and pledged it to the sixth and seventh accused to the tune of Rs.13 lakhs without the knowledge of the de-facto complainant. He would also submit that the original documents have been recovered by the respondent police from the sixth accused. However, he oppose for grant of 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.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the original documents have been recovered from the accused and also considering 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 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 Judicial Magistrate, Thiruvottriyur**, 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, every day at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[d] the petitioner shall not abscond 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;

02.11.2022

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To

1. The Judicial Magistrate,
Thiruvottriyur.
2. The Inspector of Police,
Thiruvottriyur Police Station,
Chennai.
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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