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CrI.O.P.No.26866 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

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

CrI.O.P.No.26866 of 2022

Deivakani @ Kanniyammal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch - Team XVII A,
Egmore, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/A3 on bail in connection with the Crime
No.206 of 2022 pending investigation on the file of the respondent Police.

For Petitioner	: Mr.V.Lakshmi Narayanan for S.Praveenkumar
For Respondent	: Mr.C.E.Pratap Government Advocate (CrI.Side)
For Intervener	: Ms.M.Akila



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.09.2022, for the offences punishable under Sections 120B, 465, 467, 468, 471 r/w 34 IPC in Crime No.206 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Rekchand is that he had purchased the property situated at Plot No.1A & 4A situated at Block 12, 100 Feet Jawaharlal Road, Arumbakkam, Chennai through registered documents vide Nos.2342 of 1986 (1400 Sq.ft.,) and 2343 of 1986 (1200 Sq.ft.,) on the file of the SRO, Kodambakkam from one Krishnammal and Venkatesan and he has been in continuous possession of the property from 1986. The further allegation is that one Siddarth Kalada on 24.08.2020, attempted to trespass into the property with more than 60 goons along with Police officials. Hence the de-facto complainant has given a complaint to the police and on enquiry, it was found that the said Siddarth Kalada had obtained an *ex-parte* decree on 12.07.2016 against the property and attempted to evict him from the property. On further enquiry, the de-



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facto complainant came to know that the accused by fabrication and forgery of documents had attempted to grab the property and throw him out of the possession. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A3 in this case. He would further submit that the petitioner has got the property by way of settlement deed executed by his mother, who had purchased the property from A1. He would also submit that the petitioner had given a Power of Attorney to A4 and A4 has sold the property to A5/ Siddarth Kalada and other than that the petitioner has no role in the offence. He would also state that the petitioner is in custody from 30.09.2022 and the documents have also been seized by the respondent from the custody of the petitioner and other arrested accused. He would further submit that the entire case is borne out of documents and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the de-facto complainant is the owner of the property and the accused by fabrication of documents had attempted to



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grab the property belonging to the de-facto complainant. He would further submit that the investigation is pending and most of the alleged documents were seized by the respondent from the accused. Hence, he oppose for grant of bail to the petitioner.

5. The learned counsel appearing for the Intervener would oppose for grant of bail to the petitioner stating that the de-facto complainant is the owner of the property and he is in continuous possession of the property. She would further submit that the accused by fabrication of documents attempted to grab the de-facto complainant's property and to disturb his possession. She would also submit that the de-facto complainant is in continuous possession of the property from the date of purchase, whereas other accused by suppressing the facts have obtained an ex-parte decree and attempted to thrown the de-facto complainant from the possession.

6. Heard both the learned counsel for the Petitioner and the Intervener and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7. 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 alleged documents were seized by the respondent and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Metropolitan Magistrate, Land Grabbing - II, Chennai** 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, everyday at 10.30a.m., for a period of four weeks and thereafter, every Saturday at 10.30a.m., until further orders;



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[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 - II,
Chennai.
2. The Inspector of Police,
Central Crime Branch - Team XVII A,
Egmore, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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