



Crl.O.P.No.4705 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

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

Crl.O.P.No.4705 of 2023

Chinnarasu @ Palani

... Petitioner

Vs.

The State represented by,
The Station House Officer,
CB CID Police Station,
Puducherry.

(Crime No.23 of 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.23
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Ragavendran

For Respondent : Mr.K.S.Mohandas
Public Prosecutor (Puducherry)
Assisted by, Mr.A.Alexander



Crl.O.P.No.4705 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.02.2023, for the offences punishable under Sections 34, 420, 465, 468 & 471 of IPC, in Crime No.23 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that the land in R.S.No.292/4 and R.S.No.291/5 at Saram Revenue Village belonged to one Muthusamy Achary, who dedicated the said land to Sri Kammatchi Amman Temple by executing a Will on 06.03.1935. Whereas, A1 along with other accused, by creating the fabricated possession certificate and patta in favour of A1, settled the said land in favour of A2, who in turn settled the same in favour of Sabari Educational Society. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 73 years and he has been unnecessarily dragged into this issue. He further submitted that the petitioner was working as a Village Administrative Officer and got superannuated during the year of 2009 and the other accused/beneficiaries have claimed, as



Crl.O.P.No.4705 of 2023

if the petitioner had issued a forged document. He further stated that the alleged forged documents were recovered by the respondent. He further submitted that the petitioner is in custody from 02.02.2023 and also prayed that the age of the petitioner may also be taken into consideration. Hence, he prayed to grant bail to the petitioner.

4. The respondent has filed a detailed counter.

5. Mr.K.S.Mohandas, learned Public Prosecutor (Puducherry) appearing for the respondent submitted that it is a case of a large scam, in which the petitioner along with other accused, by creating fabricated documents, have grabbed the properties, worth several crores belonging to the Sri Kammatchi Amman Temple. He further submitted that some of the main accused are still absconding and if bail is granted to the present petitioner, who was a Village Administrative Officer, there is every possibility of him interfering with the investigation and also to tamper with the records. Therefore, he vehemently opposed to grant bail to the petitioner.

6. At this juncture, the learned Counsel for the petitioner submitted



Crl.O.P.No.4705 of 2023

that the petitioner is ready to stay far away from the jurisdiction of respondent and is also prepared to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

7. Heard the learned Counsel for the petitioner and the learned Public Prosecutor (Puducherry) and perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the 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 **two sureties**, each for a like sum to the satisfaction of the **learned Chief Judicial Magistrate, Puducherry**, and on further conditions that:

[a] the sureties shall affix their photographs and



Crl.O.P.No.4705 of 2023

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 stay at Yanam and report before the Inspector of Police, Yanam Police Station, 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 Chief Judicial Magistrate,
Puducherry.
2. The Station House Officer,
CB CID Police Station,
Puducherry.
3. The Central Prison,
Puducherry.
4. The Inspector of Police,
Yanam Police Station.
5. The Public Prosecutor (Puducherry),
High Court of Madras.



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Crl.O.P.No.4705 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.4705 of 2023

08.03.2023