



Crl.O.P.No.4999 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

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

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RM Chinnaya Ambalam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch-1,
EDF-III, Team XXI-A,
Egmore, Chennai.

(Crime No.150 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.150 of 2022, pending investigation on the file of the respondent.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

For Intervenor : Mr.S.Suresh



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.01.2023, for the offences punishable under Sections 406 & 420 of IPC, in Crime No.150 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the owner of the property admeasuring to an extent of 2 grounds and 380 sq.ft in Kilpauk garden area, by suppressing the pending suit and availability of documents in the Court, induced the de-facto complainant stating that the original documents have been lost and based on the fabricated non-traceable certificate, has sold the property pending litigation to the de-facto complainant and cheated him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner (A1) is an innocent person and he has not committed any offence as stated by the prosecution. He further submitted that originally the petitioner had been given a power of attorney by one Umayal, owner of the property in respect of her property ad measuring to an extent of 2 grounds



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and 380 sq.ft in Kilpauk garden area. Subsequently, the de-facto complainant had informed that he would be able to purchase the property, if he see the owner of the property in person, thereby, the petitioner has introduced the de-facto complainant to the said Umayal and the de-facto complainant having satisfied with the owner, had purchased the property and paid the sale consideration through bank transaction and the power of attorney in favour of the petitioner was also cancelled. With regard to the same, the petitioner has only received his commission.

4. He further submitted that later, the petitioner has come to understand that originally, there exists a property dispute between the owner of the property and one Vijayakumar. He also stated that the allegation against the petitioner is that he has also signed as witness to the sale deed . He also stated that the petitioner has received an amount of Rs.60lakhs as brokerage and has not received any further amount. He also submitted that if the petitioner has any doubt or any criminal intend to cheat the de-facto complainant, he would not sign as witness and also stated that he himself is a victim, who has believed the owner of the property. He also stated that investigation has almost been completed and the case of the prosecution is



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also borne out by documents. He also stated that the co-accused (A5) has been granted anticipatory bail in this case and the petitioner is in custody from 25.01.2023. Hence, he prayed to grant bail to the petitioner.

5. Learned Additional Public Prosecutor appearing for the respondent police opposed for granting bail stating that it is the case where the petitioner colluded with the owner of the property and by suppressing the pending suit and availability of documents in the Court, had induced the de-facto complainant stating that the original documents have been lost and based on the fabricated non-traceable certificate, has sold the property pending litigation to the de-facto complainant. He also stated that the de-facto complainant is in possession of the property.

6. Learned counsel for the Intervenor submitted that the petitioner is the main accused in this case, who has induced the de-facto complainant and only based on his inducement, the de-facto complainant had purchased the property. He also submitted that on believing the petitioner, the de-facto complainant has parted with the huge amounts.



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7. Heard both the learned Counsel for the petitioner and the intervenor and the learned Additional Public Prosecutor and perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration, 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 Special Metropolitan Magistrate, Exclusively for CCB/CBCID cases Egmore, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30a.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.

09.03.2023

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To

1. The Special Metropolitan Magistrate,
Exclusively for CCB/CBCID cases,
Egmore, Chennai
2. The Inspector of Police,
Central Crime Branch-1,
EDF-III,
Team XXI-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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