



CrI.OP.No.15022 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.15022 of 2023

Rajilasree

... Petitioner

Vs.

State represented by
The Inspector of Police,
CCB-I, Team-15,
Chennai
Crime No.6 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in respect of Crime No.6 of 2023 on the file of the respondent.

For Petitioner : Mr.S.Xavier Felix

For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.03.2023 at the hands of the respondent police for the alleged offences punishable under Sections 447, 465, 467, 468, 471 & 120(B) of IPC in Crime No. 6 of 2023, seeks bail.

2. The case of the petitioner is that she is the granddaughter of one Mariammal, who is the legal heir of one Kuttarammal, who living in the disputed property in S.No.2928, situated at Varadammal Garden, Purasaiwalkam Taluk, admeasuring 40 grounds and 2200 sq.ft. The said Mariammal had executed a settlement deed in favour of the petitioner in D.No.4645 of 2008, SRO, Purasaiwalkam on 15.12.2008. When the third parties interfered with the possession, the petitioner filed a suit in O.S.No.438 of 2009 for permanent injunction and the same was decreed in favour of the petitioner on 08.03.2012. There was no claim made by the defacto complainant at that time, now only the document was produced claiming the title.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with this offence. She is only a beneficiary as per the settlement deed. It was executed by her grandmother Mariammal in favour of the petitioner. Hence, he prays to grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the complaint has been lodged by AG & OT. The property originally belonged to “C.Kandasamy Naidu Trust”. There are totally five accused, in which the petitioner is A1, she only obtained settlement deed by using the other accused Mariammal. The petitioner/A1, who is in possession of the property, created forged documents and executed a settlement deed in favour of A2. The petitioner being an advocate, if she is released on bail, she will tamper with the evidence. Hence, he vehemently opposed for grant of bail to the petitioner.

5. There are totally five accused, in which the petitioner is arrayed as first accused. Even according to the case of the prosecution,



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the land belongs to Kandhasamy Naidu Trust under Pachaiappan Trust.

However, the petitioner created settlement deed in her favour as if her grand mother settled the subject property by way of settlement deed dated 15.12.2008. However, the petitioner did not make any further alteration so far. That apart, the petitioner was arrested and remanded to judicial custody on 30.03.2023 and now, the respondent completed investigation and filed final report.

6. Considering the above facts and circumstances of the case, 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 her 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 Metropolitan Magistrate for Exclusive Trial CCB Cases and CBCID Metro Cases, Egmore at Chennai 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(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]; and;



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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

1. The Learned Metropolitan Magistrate for Exclusive Trial CCB Cases and CBCID Metro Cases, Egmore at Chennai
2. The Inspector of Police,
CCB-I, Team-15,
Chennai
3. Central Prison,
Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court, Madras

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