



Crl.MP.Nos.10700 & 10701/2023 in Crl.OP No.13102/2023

Crl. M.P. Nos. 10700 & 10701 of 2023
in
Crl.O.P. No. 13102 of 2023

A.D. JAGADISH CHANDIRA, J.,

Crl.M.P.No.10700 of 2023 has been filed to relax the condition imposed by this Court vide order dated 13.06.2023 made in Crl.O.P.No.13102 of 2023.

2. Crl.M.P.No.10701 of 2023 has been filed to cancel the bail order dated 13.06.2023 made in Crl.O.P.No.13102 of 2023.

1. The case of the prosecution, as per the defacto complainant, is that the land in R.S. Nos .292/4 and 291/5, at Saram Revenue Village belongs to one Muthusamy Achari and he dedicated the said land to Sri Kamatchi Amman Temple by executing a Will on 06.03.1935. The further allegation is that A1 along with other accused, by creating fabricated possession certificate and patta in his name, settled the said land in favour of A2, who in turn, had settled the same in favour of one Sabari Educational Society. Hence, the case.



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4. Based on the complaint, a case in Crime No.23 of 2022 came to be registered on 30.08.2022 for the offences punishable under Sections 120(b), 420, 465, 467, 468, 471 r/w. 34 of IPC. The petitioner is arrayed as A5 and he was arrested on 09.05.2023. He had applied for bail before this Court in Crl. O.P. No. 13102 of 2023 and this Court, by an order dated 13.06.2023, had granted bail to the petitioner with certain conditions. One of the conditions is that he shall stay at Yanam and report before the Inspector of Police, Yanam Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter appear before the respondent police every day at 10.30 a.m., until further orders. While so, Crl.M.P.No.10700 of 2023 has been filed by the petitioner/A5 for relaxing the condition imposed by this Court.

5. The respondent has filed a detailed counter affidavit.

6. Crl.M.P.No.10701 of 2023 has been filed by the respondent/ Station House Officer seeking to cancel the bail. In the petition for cancellation of bail, it is submitted by the respondent police that the petitioner herein, in his bail petition in Crl. O.P. No. 13102 of 2023, in paragraph No.5, had stated that he is only a Power Agent and he has acted as per the instructions of the



Crl.MP.Nos.10700 & 10701/2023 in Crl.OP No.13102/2023

principal, by name Perianagasamy @ Arulraj, but on the contrary, on 02.07.2023, he had convened a press meet at Puducherry and openly declared by saying that he had purchased the land in question after thoroughly verifying the title deeds and the connected documents pertaining to the said land and dared to challenge the investigation process by alluring that if anyone disproves his statement he will reward such person with 3 Crores of rupees apart from handing over the said land to Sri Kamatichiamman Temple and the entire speech went viral in “You Tube” and recorded by the Public. It is the further contention of the respondent police that, by giving such an interview, the accused had interfered with the investigation and had attempted to tamper the evidence and influence the minds of the witnesses. It is also stated that the accused had made allegations against the Government Officials, who have played pivotal role in unearthing the misdeeds of the petitioner and it would definitely tarnish the image, faith and confidence of good governance. Alleging that the petitioner had intentionally misused his liberty of enlargement of bail granted by this Court by a provocative speech, respondent police sought for cancellation of bail.

7. The learned counsel for the petitioner/A5 in Crl.M.P.No.10700 of 2023 would submit that the petitioner is an innocent person. He is engaged in



CrI.MP.Nos.10700 & 10701/2023 in CrI.OP No.13102/2023

the business of real estate and doing business of buying and selling the property. In the course of business, he was approached by one Perianagasamy @ Arulraj stating that he is the owner of the disputed property and Power of Attorney has been executed by the said Perianagasmay @ Arulraj in his favour with an intention to sell the property to prospective buyer. Meanwhile, based on the case registered in Crime No.23 of 2022, he was arrested and later he was enlarged on bail with a condition to stay at Yanam and report before the Inspector of Police, Yanam Police Station daily at 10.30 a.m., for period of two weeks and thereafter, appear before the respondent police everyday at 10.30 a.m., until further orders. The petitioner after complying with the condition before the Inspector of Police, Yanam Police Station, returned back to Puducherry and he is appearing before the respondent police regularly, without any default. When the petitioner was interviewed by the local media, he had stated that he is innocent and he has not stated anything against the respondent police or threatened any of the witnesses as alleged by the prosecution. The petitioner has also filed an affidavit before this Court undertaking that he will not give any press meet or interview to the media hereafter and he will not commit any act prejudicial to the interest of the respondent police. He would further submit that the petitioner is complying with the condition from



19.06.2023 and thereby he would seek for relaxation of condition.

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8. The learned Public Prosecutor, Puducherry, appearing for the State would submit that the petitioner/A5 had obtained bail stating that he had acted as a Power Agent of one Perianagasamy @ Arulraj, whereas after coming out on bail, he had given a interview openly contending that he had legally purchased the property and dared to challenge the investigation process stating that he is ready to give Rs.3 Crores as donation to the Chief Minister Relief Fund, if anybody proves that he has committed a crime.

9. The learned Public Prosecutor, Puducherry would further submit that the petitioner, by giving such an interview , has attempted to influence the mind of the witnesses and he has given the interview with a threatening tone to prevent the witnesses from giving evidence against him and thereby, seeks to cancel the bail granted to the petitioner.

10. This Court considered the matter in the light of the submissions made on either side and perused the materials available on records, including the transcription of the interview alleged to have been given by A5.

11. Having gone through the transcription, this Court is satisfied that the petitioner has not committed any act warranting cancellation of bail. The



Crl.MP.Nos.10700 & 10701/2023 in Crl.OP No.13102/2023

affidavit of undertaking given by A5 is also taken on record. This Court finds that there is no ground for cancelling the bail granted to Manikandan(A5) and inclined to dismiss the petition filed by the State for cancellation of bail.

12. Taking into consideration the fact that the petitioner is complying with the condition from 19.06.2023, without fail, this Court is inclined to modify the condition imposed on the petitioner/A5 in Crl.O.P.No.13102 of 2023.

13. In the result, the condition imposed in Crl.O.P.No.13102 of 2023, dated 13.06.2023 is modified to the effect that the petitioner shall appear before the respondent police on the first Saturday of every month at 10.30 a.m., until further orders and the Crl.M.P.No.10700 of 2023 is ordered accordingly. Crl.M.P.No.10701 of 2023 is dismissed.

15.11.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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