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CrI.O.P.No.17649 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM

THE HON'BLE MR. JUSTICE **RMT.TEEKAA RAMAN**

CrI.O.P.No.17649 of 2023

G.Sivakumar

... Petitioner

Vs.

1. State, represented by
Inspector of Police,
District Crime Branch, Chengalpattu.
(Crime No.5 of 2023)

2. T.Ramakrishnan

...Respondents

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C.,

pleased to modify the conditions Nos.1,3 and 8 viz.

“1. The petitioner/accused is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) into the account of the Judicial Magistrate No.II, Chengalpattu concerned in Cr.No.5 of 2023 of District Crime Branch, Chengalpattu.

3. The petitioner/accused is directed to surrender his Original Indian Passport before the Judicial Magistrate No.II, Chengalpattu, until further orders.

8. The petitioner/accused is directed not to



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deal with the property in any manner, till the completion of trial”.

Passed by the learned Principal District and Sessions Judge of Kanchipuram District at Chengalpattu in Crl.M.P.No.3392 of 2023 dated 20.07.2023.

For Petitioner : Mr.Ramesh Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This petition is filed seeking modification of the condition Nos.1, 3 and 8 imposed by the learned Principal Sessions Judge, Chengalpattu, upon the petitioner in Crl.M.P.No.3392 of 2023 dated 20.07.2023.

2. Heard the learned counsel for the petitioner.

3. The relevant conditions imposed in Crl.M.P.No.3392 of 2023 dated 20.07.2023, are as follows:

“1. The petitioner/accused is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) into the account of the



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Judicial Magistrate No.II, Chengalpattu concerned in Cr.No.5/2023 of District Crime Branch, Chengalpattu.

....

3. The petitioner/accused is directed to surrender his Original Indian Passport before the Judicial Magistrate No.II, Chengalpattu, until further orders.

....

8. The petitioner/accused is directed not to deal with the property in any manner, till the completion of trial.”

4. After hearing the learned counsel for the petitioner, I find that the specific allegation of the defacto complainant is that the accused have created and used forged legal heir certificate and fraudulently sold the disputed property to Jai Farms.

5. Learned counsel for the petitioner states that the petitioner is only an employer and the civil suit is pending.

6. Whether the legal heir certificate, based upon which the sale deed is executed, is genuine or not, the matter is for investigation and



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the investigation is at preliminary stage, hence, clause Nos.3 and 8 are just and necessary. With regard to condition No.1, wherein, the petitioner/accused was directed to deposit Rs.3 Lakhs, the same is modified as under:

“1. The petitioner/accused is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) into the account of the learned Judicial Magistrate No.II, Chengalpattu concerned in Cr.No.5/2023 of District Crime Branch, Chengalpattu.”

All other conditions imposed by the learned Principal Sessions Judge, Chengalpattu, upon the petitioner in Crl.M.P.No.3392 of 2023 dated 20.07.2023 remains intact.

7. With the above modification, the Criminal Original Petition stands partly allowed.

11.08.2023

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RMT.TEEKAA RAMAN, J.



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