



Crl.O.P.No.19473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19473 of 2023

C.Shankar

...Petitioner

Vs.

State Rep by
The Sub-Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
Crime No.58 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner/2nd accused pending investigation in Crime No.58 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Madhuprakash

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2023 for the offence punishable under Sections 120B, 420, 465,



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467, 468, 471 IPC in Crime No.58 of 2023 on the file of the respondent police, seeks bail.

2.Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as A6 in a case registered for the offences punishable under Sections 120B, 420, 465, 467, 468, 471 IPC in Crime No.58 of 2023. He only introduced the purchaser to the seller and not beyond that. The allegations against this petitioner is that, he received a sum of Rs.5,00,000/- from A2 and A3 for selling the property to A1 with an unapproved plan Petitioner is in judicial custody from 13.07.2023. Co-accused was granted bail by the trial court. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor opposes this petition, on the ground that, A1 approached the defacto complainant's bank for housing loan. A2 is the builder and A3 is the owner of the land. A2 and A3 by showing vacant land for an extent of 1180 sq.ft with unapproved plan had sold the property to the A1. A1 was granted loan of



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Rs.40,00,000/- plus Rs.1,21,000/-. Sofar, he paid only Rs.3,40,874/- and then defaulted. Therefore, proceedings had been taken and property was sold in public auction. This petitioner had received a sum of Rs.5,00,000/- from A2 and A3 as commission as broker. However, he seeks for dismissal of this petition.

4. Considered the submissions and perused the records.

5. Except the confessional statement of the A2 and A3, there is no other material to show that, petitioner had received Rs.5,00,000/- as broker commission. Petitioner is in judicial custody from 13.07.2023.

6. Considering the fact that, except the confessional statement of the A2 and A3, there is no other material to show that, petitioner had received Rs.5,00,000/- as broker commission and that petitioner is in judicial custody from 13.07.2023, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five



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Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned CCB, Metropolitan Magistrate-Egmore** 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.

[b] the petitioner shall report before the respondent police daily morning 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].



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

30.08.2023

gd

To

- 1.The CCB, Metropolitan Magistrate-Egmore.
- 2.The Sub-Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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