



Crl.OP.No.22721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.OP.No.22721 of 2023

Ravi
S/o.Kuttinayakkar

...Petitioner/A1

Vs.

State represented by its
Inspector of Police,
Central Crime Branch – I, Chennai.
(Crime No.173 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail relating to Crime No. 173 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

For Intervenor : Mr.C.T.Saravanan

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.09.2023 for the offences punishable under Sections 465, 406, 467, 468, 471, 420, 120B and 34 of IPC in Crime No.173 of 2023 on the file



CrI.OP.No.22721 of 2023

of the respondent police, seeks bail.

2.It is stated that the petitioner had only 1/3rd share in the property which measures 2030 Sq.ft., situated in Survey No.438/1, Bajanai Kovil Street, Velacherry Gramam at Chennai. However, claiming that he is the owner of the entire property, he had sold the entire property.

3.It is the contention of the learned counsel for the petitioner that the defacto complainant, who has been represented in this application through his counsel, had drafted an earlier sale deed and therefore, he was aware of the title with respect to the said property. It is also stated that the second accused is one Rojammal and she had also received the consideration and had also executed the sale deed. All these issues are quite complicated.

4.An obligation is placed on the petitioner herein that within a period of three weeks from the date on which he is released from custody, he should either cancel the sale deed and restore the possession back to where it was or in the alternative, pay back the entire amount as



CrI.OP.No.22721 of 2023

mentioned in the sale deed to the defacto complainant. If either one of the condition is not complied within a period of three weeks, the bail would stand automatically cancelled and the respondent police shall take back the petitioner into the custody.

5.It is stated by the learned counsel for the defacto complainant that apart from the amount mentioned in the sale deed, further amount had been paid as sale consideration. That aspect has to be established by a separate proceedings. As on date, this Court can only go by what is stated in the sale deed.

6.Considering all these facts, this Court is inclined to grant bail to the petitioner and accordingly, the petitioner is ordered to be released on bail on their executing a separate 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 of CCB Cases (Relating to Cheating cases in Chennai) and CBCID Metro 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.

[b] the petitioner shall report before the respondent police everyday 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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CrI.OP.No.22721 of 2023

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

09.10.2023

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To

- 1.The Metropolitan Magistrate for
Exclusive Trial of CCB Cases
(Relating to Cheating cases in Chennai) and
CBCID Metro Cases, Egmore, Chennai
- 2.The Central Prison,
Puzhal.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
Central Crime Branch – I, Chennai.
(Crime No.173 of 2023).



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Crl.OP.No.22721 of 2023

C.V.KARTHIKEYAN. J.

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Crl.OP.No.22721 of 2023

09.10.2023