



CRL O.P. No.3678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

Crl. O.P. No.3678 of 2024

M/s. Kutty Flush Doors and
Furniture Co., Private Limited,
represented by its Director and
Authroized Signatory
P.K. Kader Kutty S/o. P.K.Mayan Petitioner

VS

1. V.S. Villivakkam Velu S/o. Chellayya
2. State represented by:-
The Inspector of Police, Team-XVI,
LFIW-I, Central Crime Branch-I,
Vepery, Chennai.
[Cr. No.213 of 2023] ... Respondents

PRAYER: - The Criminal Original Petition is filed under Section 439(2)
of Criminal Procedure Code praying to cancel the bail granted to the 1st
respondent / Accused No.1 vide order passed in Crl. M.P. No.1820 of
2024 by the Principal Sessions Judge, Chennai dated 23.01.2024.

For Petitioner : Mr. Sharath Chandran



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For Respondents : Mr. A. John Sathyan
Senior counsel for
Mr. V. Ramamurthy [for R1]

Mr. S. Santhosh [for R2]
Govt. Advocate (Crl. Side)
Assisted by Mr. M. Thamizhmani
[for R1]

ORDER

This petition has been filed by the petitioner to cancel the bail granted to the 1st respondent.

2. According to the petitioner, the petitioner is the defacto complainant in the said case in Cr. No.213 of 2023 on the file of the Central Crime Branch, Chennai and the 1st respondent was arrayed as an accused in that case and he filed a petition in Crl. M.P. No.1820 of 2024 on the file of Principal Sessions Court, Chennai seeking bail and the same was allowed. Against which, the present petition is filed for cancellation of bail. Further, the Sessions Court has misconstrued the crucial piece of evidence which forms the basis of the prosecution in this case i.e., the fabricated patta and got swayed away by the tactical



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submissions of the 1st respondent. The Sessions Court has not considered the same and has rather conducted a quasi-civil adjudication of title while hearing a bail application and investigation was also not completed. The Sessions Court, without considering the above said aspects, granted bail to the 1st respondent.

3. The learned counsel appearing for the petitioner would contend that the Principal Sessions Court, Chennai has granted bail without considering the objections raised by the investigating agency that investigation is not yet completed and also the 1st respondent has been charged for severe offences using forged documents and therefore, the bail granted to the 1st respondent has to be cancelled.

4. The learned Government Advocate (Criminal side) appearing for the 2nd respondent also admitted that the 1st respondent has complied the condition imposed by the Court.

5. The learned counsel appearing for the 1st respondent would



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contend that the Trial Court has elaborately discussed about the case of the prosecution and the arguments of the 2nd respondent and also considered the nature of offences and the number of days of incarceration of the 1st respondent and thereafter, granted bail to the 1st respondent on some conditions and the 1st respondent has also complied with the condition without fail.

6. Heard both sides' arguments and perused the materials available on record.

7. Considering the rival submissions made on either side, considering the fact that the Principal Sessions Court, Chennai has considered the arguments put forth by both sides counsel and after elaborate discussions, granted bail to the 1st respondent. Further patta was granted by the competent authorities and the same was also admitted by the revenue officials and also the Principal Sessions Judge has considered that already a civil Suit is pending and the Tahsildar admitted the Patta issued by him through a counter filed in W.A. No.564 of 2021



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and also the 1st respondent is in judicial custody from 19.12.2023 and investigation was almost completed. Therefore, there is no ground to interfere with the order passed by the Principal Sessions Court, Chennai. Hence, this petition has no merits and deserves to be dismissed.

8. Accordingly, the Criminal Original Petition is dismissed. No costs.

19.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1. The Principal Sessions Judge, Chennai.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police,
Team-XVI, LFIW-I,
Central Crime Branch-I, Vepery, Chennai.



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P.DHANABAL,J

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