



Crl.O.P.No.5683 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

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

Crl.O.P.No.5683 of 2024

Elumalai

..Petitioner

Vs.

State represented by
The Inspector of Police,
DCB Police Station,
Thiruvallur.
(Crime No.19 of 2020).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.19 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.01.2024 for the offences registered by the respondent Police under



Crl.O.P.No.5683 of 2024

Sections 420, 465, 467, 468, 471 r/w 34 of IPC in Crime No.19 of 2020 on the file of the respondent, seeks bail.

2. The case of the prosecution as per the defacto complainant Ettiammal is that one Thulukanathammal sold her property to her husband Govindasamy by registered sale deed dated 25.07.1967. Right from the sale deed the property was under the possession of Govindasamy and his legal heirs. While so, the legal heirs of Thulukanathammal suppressing the sale deed had created and entered into a oral partition and the same was registered in Doc.No.2473 of 2013. Subsequently, A1/ Elumalai executed the Power of Attorney dated 19.09.2014 infavour of Soundarajan in the year 2014, pursuant, to which the said Soundarajan sold the property to the petitioners herein.

3.The learned Government Advocate (crl.side) stated that one Ettiammal, W/o.Govindasamy and legal heirs of Govindasamy are the owners of the property. The said Govindasamy had purchased the property during the year 1967 from Thulukanathammal. He would also submit that the legal heirs of Thulukanathammal suppressing the sale had entered into an oral partition pursuant to which, the oral partition was



Crl.O.P.No.5683 of 2024

registered by document No.2473 of 2013 based on which A1/ Elumalai has given a Power of Attorney to one Soundarajan and suppressing the earlier sale had been sold to the present petitioners.

4.The learned counsel for the petitioner pointed out that the co-accused had been granted bail in Crl.O.P.No.16116 of 2020 on 29.10.2020, among other conditions, the co-accused were directed to deposit the original title sale deed before the Judicial Magistrate No.II, Thiruvallur. It is also contended that all the necessary title documents have been deposited before the Court.

5.Taking that factor into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 Judicial Magistrate, Uthukkotai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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CrI.O.P.No.5683 of 2024

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].

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

18.03.2024

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To

1. The Judicial Magistrate, Uthukkotai.

2. The Central Prison, Puzhal.



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Crl.O.P.No.5683 of 2024

3.The Inspector of Police,
DCB Police Station,
Thiruvallur.

4.The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.5683 of 2024

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.5683 of 2024

18.03.2024