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CRL O.P. No.15674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

Crl. O.P. No.15674 of 2024

S. Mangal Raj S/o. Sundarraaj

.... Petitioner

VS

1. State represented by:-

The Assistant Commissioner of Police,

Central Crime Branch,

CLG-I, Sholinganallur,

Tambaram Commissionerate.

... 1st Respondent / Complainant

[Cr. No.59 of 2021]

2. A. Ramamoorthy S/o. Anjaneyar

3. E. Jayalakshmi W/o. Elangovan

4. P.R. Elangovan S/o. Pandurangan ... 2 to 4 Respondents

PRAYER: - The Criminal Original Petition is filed under Section 439(2)

of Criminal Procedure Code praying to cancel the bail granted to the 2 to

4 respondents / Accused No.1 to 3 vide order passed in Crl. M.P. No.662

of 2024 by the Principal Sessions Judge, Chengalpattu dated 23.04.2024.

For Petitioner : Mr. R. Ganesh Kumar



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For Respondents : Mr. A.L. Ganthimathi,
Senior counsel for
Mr. L. Palanimuthu [for R2]

Mr. S. Santhosh [for R1]
Govt. Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to cancel the bail granted to the respondents 2 to 4 in Crl. M.P. No.662 of 2024 by the Principal Sessions Judge, Chengalpattu dated 23.04.2024.

2. The learned counsel appearing for the petitioner would contend that he is the defacto complainant in the case in Cr. No.59 of 2021 on the file of the 1st respondent herein for the offences under Sections 420, 465, 467, 468, 471 and 120-B of IPC. Initially the case was registered by the Central Crime Branch, Chennai and thereafter, on jurisdiction point, it was transferred to the respondent police for investigation. During the year 2007, the petitioner along with others had purchased 66 cents of land in Jameen Pallavaram Village, Survey No.251/1 from General Power of Attorney holder Kumaran Koil Pillai through sale deeds and the



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petitioner is in possession and enjoyment of the properties. The petitioner has also filed the tax to the said properties in his name. He had also applied for patta through online and at that time, he came to know that the property purchased by them was dealt with illegally by creating forged documents. On verification it was found that the Power of Attorney, on the strength of which document, the 1st accused had purchased the property through Doc. No.773 of 2003 does not contain the Survey No.251/1 of Jamin Pallavaram Village. Therefore, the 1st accused knowing fully well that he is creating a document of title from the parent document, which does not contain the said Survey number. Therefore, he lodged the complaint before the police. The 4th and 5th accused were arrested and released on bail vide order dated 28.02.2024. The 1 to 3 accused / 2 to 4 respondents herein have filed a petition for anticipatory bail and the learned Principal Sessions Judge, Chengalpattu had granted anticipatory bail to them through an order dated 23.04.2024. The learned Sessions Judge failed to consider the severe nature of offences and also held that the dispute is civil in nature and the civil suit is pending. The above said observations is not correct and the offences



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are grave in nature, but the Trial Court has granted anticipatory bail and therefore, the anticipatory bail granted to the accused 1 to 3 has to be cancelled.

3. The learned counsel appearing for the respondents 2 to 4 / accused 1 to 3 would contend that these petitioners have not committed any offence as alleged by the prosecution and already the learned Sessions Judge, Chengalpattu, after elaborate discussion, granted anticipatory bail to them and already the co-accused were arrested and released on bail and there is no any specific overt act attributed as against these respondents 2 to 4. Further the dispute is also civil in nature and already civil disputes are pending between the parties, thereby, the learned Principal Sessions Judge has granted anticipatory bail. Moreover, the Trial Court also imposed condition to maintain status quo and not to make any further transactions in respect of the disputed property. Therefore, the learned Sessions Judge after applying his mind and considering all the facts and circumstances of the case, granted anticipatory bail to the respondents 2 to 4 /accused 1 to 3. Therefore, the present petition is liable to be dismissed.



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4. **The learned Government Advocate (Criminal side) appearing for the 1st respondent also admitted that the 2 to 4 respondents / accused 1 to 3 have complied the condition imposed by the Court.**

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

6. Upon hearing the arguments and perusing the records, it is seen that the learned Principal Sessions Judge, Chengalpattu has passed an elaborate order after taking into consideration all the facts and circumstances of the case that already the co-accused were released on bail after arrest and the alleged offences are born out of records and all the records are available with the investigation officer. Hence the grounds raised by the petitioners that the learned Sessions Judge failed to consider the severe gravity of the offences and simply recorded that disputes are civil in nature, is not an acceptable one, since he has passed an elaborate order after considering all the facts and circumstances of the case. Further, the trial Court has also imposed some conditions not to



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alienate the property, therefore, the order is a very reasoned one and does not warrant any interference of this Court and there is no grounds found to cancel the bail granted to the respondents 2 to 4 / accused 1 to 3. Hence, this petition has no merits and deserves to be dismissed.

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

18.10.2024

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

To

1. The Principal Sessions Judge, Chengalpattu.
2. The Public Prosecutor, High Court, Madras.
3. The Assistant Commissioner of Police,
Central Crime Branch,
CLG-I, Sholinganallur,
Tambaram Commissionarate.

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P.DHANABAL,J
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19.09.2024