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CRL O.P. No.17874 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.17874 of 2024

Padmanabhan

... Petitioner / Accused - 2

Vs

State rep. by
The Inspector of Police,
Central Crime Branch,
Avadi Commissionerate,
Avadi.

(Crime No.21 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.21 of 2024, on the file of the respondent.

For Petitioner : Mr.T.Velmariappan

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.06.2024 for the offences punishable under Sections 419, 420, 465, 658, 471 and 120(B) of IPC, in Crime No.21 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant had purchased a property in the year 1990 for an extent of 2347 Sq.ft., situated in Survey Nos.708/1, 708/2 and 709/1 at Korattur Village, Kallikuppam, Chennai – 53, and on 17.09.2019, the defacto complainant came to know that the said property was trespassed by some persons and they claimed that they are the owners of the said property. On enquiry, it was found that the petitioner, colluded with the other accused, fabricated and created forged power of attorney and sold the property to others. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner was doing real estate business and the defacto complainant



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introduced herself to the petitioner, stating that she wants to sell the property and believing her words, the petitioner had entered into a power of attorney and thereafter, sold the said property. He would further submit that the petitioner doesn't aware about the real owner of the property and he only acted as a broker. He would further submit that the petitioner is ready to cancel the power of attorney and sale deeds executed by him and also ready to abide by any stringent condition that may be imposed by this Court and prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner, along with the other accused, in order to grab the property of the defacto complainant, conspired together, fabricated and created forged documents, obtained power of attorney from the defacto complainant and sold the property to others. Hence, he prays to dismiss the petition.

5.This Court had already granted interim bail to the petitioner by order dated 29.07.2024 on condition that the petitioner has to appear



before the SRO, Ambattur, along with other accused persons, who are said to be purchasers of the said property for enquiry and for cancellation of the said power of attorney and sale deeds executed. After the said order passed by this Court, when the petitioner along with the others approached the concerned SRO for complying with the condition as directed by this Court, the SRO has not cancelled the sale deeds based on the orders passed by this Court in *M.Kathirvel Vs. The Inspector General of Registration (W.P.No.10291 of 2022 etc., batch, dated 02.08.2024)*, to that effect, he has also filed a report. Therefore, the said condition imposed by this Court is relaxed and the interim bail already granted by this Court to the petitioner dated 29.07.2024 is made absolute on the following conditions:

[a] the Petitioner shall appear before the respondent police as and when required for interrogation.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

6. The parties are at liberty to approach the concerned Civil Court for appropriate remedy, in accordance with law, in respect of cancellation of power of attorney and sale deeds.

7. With the above observations, this Criminal Original Petition is closed.

09.09.2024

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To

- 1.The Judicial Magistrate No.1, Poonamallee.
- 2.The Inspector of Police,
Central Crime Branch,
Avadi Commissionerate,
Avadi.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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