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Crl.O.P.No.19234 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.19234 of 2024

Senthil Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch
Land Fraud Investigation Wing-II,
Gama-5, Vepery
Chennai 600007
(Crime No. 114 of 2024)

....Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 114 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.G.Mani Prabhu

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

For Intervenor : Mr.M.Judy Selva



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.06.2024, for the alleged offence punishable under Sections 419, 420, 465, 467, 468, 471, 506(i) r/w 109 and 120(B) of IPC, in Crime No.114 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused, by impersonating him, created a fake and fabricated document cheated a tune of Rs.98 lakhs. They executed the settlement deed using false identities, fraudulent sale deeds and attempted to sell the property to third parties. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the second accused introduced the defacto complainant to the petitioner herein, as they have already some money dispute between them and with an intention to cheat and misuse the name of the petitioner signed in the document. He further submit that the payment for the registration of sale



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deed was entirely received by the second accused. He further submitted that this petitioner has been induced and cheated by the second accused and the defacto complainant. He would further submit that the petitioner was arrested and is in judicial custody for more than 80 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. Learned counsel for the intervenor submitted that the petitioner along with other accused by impersonation, created fraudulent settlement deed No.7484/2019 and executed sale deed in favour of the third parties. The accused persons has received a sum of Rs.98 lakhs from the defacto complainant and the value of the property involved is Rs.1 crore. Hence, he opposed for the grant of bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant purchase the land from one Ramasamy at Madipakkam to the extent of 2400 sq.ft, the defacto complainant paid the amount of Rs.92 lakhs as a market value of the property and registered the sale deed vide Doc.Nos.3795/21 and 3798/21. Later it was



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revealed that the land was not belongs to the said Ramasamy. By impersonation, the accused created fraudulent settlement deed No.7484/2019 and executed sale deed in favour of the complainant. The value of the property is around Rs.1 crore. He further submitted that the cheated amount has not yet been recovered. He further submitted that the investigation is almost completed. However, he opposed to grant bail to the petitioner.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the submissions of the learned counsel on either side, and considering the period of incarceration undergone by the petitioner and also considering the fact that there is a dispute between the parties in respect of the title of the property and also taking into the consideration the year of the documents, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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with two sureties, each for a like sum to the satisfaction of the 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 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].



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

22.08.2024

drl

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 Inspector of Police,
Central Crime Branch
Land Fraud Investigation Wing-II,
Gama-5, Vepery
Chennai 600007
3. The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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