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Crl.O.P.No.20007 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.20007 of 2024

Karthick

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch-I
Chennai
(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.S.Mahendran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 04.07.2024, 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 already have some money dispute between them and with an intention to cheat and misuse the name of the petitioner, the second accused signed in the document. Moreover, the second petitioner borrowed a sum of Rs.8,50,000/- from the petitioner and failed to return the money, A2 evaded the same. In the meantime, the defacto complainant continuously accessed the property situated at Plot No.16, Anna Nagar, which belongs to



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the first accused. This petitioner has not committed any forgery. He would further submit that the petitioner was arrested and is in judicial custody for more than 45 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are six accused in this case and the petitioner herein is arrayed as A4. He further submit 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. Subsequently, this petitioner claims share in the said land and locked the compound of the land and not allowed the complainant to enter into the property. With intention to grab the property of the defacto complainant, the petitioner along with other accused persons colluded each other, created forged documents and executed the sale. He further submit that this petitioner demanded Rs.25 lakhs from the defacto complainant for the above said property since he is having right in the property. Later, it was revealed that the land was not belongs to the said



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Ramasamy. By impersonation, the accused created fraudulent settlement deed and executed sale deed in favour of the defacto complainant. He further submitted that the investigation is almost completed. However, he opposed to grant bail to the petitioner.

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

6. 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 document, 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) with two sureties, each for a like sum to the satisfaction of the CCB &



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CBCID Metropolitan Court, 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].

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

22.08.2024

drl

P.DHANABAL, J.



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drl

To

- 1.The CCB & CBCID Metropolitan Court,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch-I
Chennai
3. The Superintendent,
Central Prison, Puzhal, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

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