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CRL. O.P. No.21502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :12.09.2024

CORAM

**The Hon'ble Mrs.Justice T.V.THAMILSELVI. J**

**CRL OP.No.21502 of 2024**

Harish Kumar

... Petitioner/Accused

Vs

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

(Crime No.114 of 2024)

...Respondent/Complainant

For Petitioner : Mr.E.Angayarkanni  
For Respondent : Mr. S. Balaji  
Government Advocate  
[Criminal side]

**PETITION FOR BAIL Under Sec.483 of B.N.S.S.**

**PRAYER:** - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.114 of 2024 on the file of the respondent police.



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**ORDER**

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The petitioner/accused, who was arrested and remanded to judicial custody on 04.07.2024 for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 506(i), 109, 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 defacto complainant namely Vaithyanathan through his friend Gopi approached one Senthil Kumar, S/o Ramasamy another Senthil Kumar s/o Mohan for purchasing the land at Madipakkam to the extent of 2400 sp.ft and the defacto complainant paid an amount of Rs.92,00,000/- and registered the same vide document Nos.3759 of 2021 and 3798 of 2021. Subsequently, one Karthick claims share in the land and locked compound of the subject property and not allowed the defacto complainant to enter into the subject property and threatened with dire consequences. Later it was found that by impersonation accused created fraudulent settlement deed No.7484 of 2019 and executed sale deed to the defacto complainant and cheated him. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner



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is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner only signed as witness in the settlement deed without knowing the document is fabricated one. He further submitted that the petitioner is in custody from 04.07.2024 and he is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner along with other accused colluded with each other with an intention to grab the property of the defacto complainant. He further submitted that during investigation, it came to light that the accused persons created fraudulent deed and executed sale deed to the complainant. He would further submit that this petitioner has signed as a witness in the forged document knowing fully well that the said document is fabricated one and received Rs.10.00 lakhs as commission. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. Heard both side counsels and perused the materials available



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on record.

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6. Considering the rival submissions made on either side and considering the nature of offences and the stage of investigation, there is no previous case against the petitioner and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 **Metropolitan Magistrate for Exclusive Trail of CCB Cases (Relating to Cheating cases in Chennai) and CBCID Cases, Egmore, Chennai** and on further conditions that:

**[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks.**

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either



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during investigation or trial.

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[f] 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].

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

**12.09.2024**

jai

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order



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To

1. The Metropolitan Magistrate for  
Exclusive Trail of CCB Cases  
(Relating to Cheating cases in Chennai)  
and CBCID Cases, Egmore, Chennai
2. The Inspector of Police,  
Central Crime Branch,  
Chennai
3. The Central Prison,  
Puzhal, Chennai.
4. The Government Advocate (Crl. Side)  
High Court, Madras.



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**T.V.THAMILSELVI. J**

Jai

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