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CrI.O.P.No. 32169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.32169 of 2024

Selvanathan

...

Petitioner

Vs.

State Represented by
Inspector of Police,
DCB, Chengalpattu,
Chengalpattu District.
(Crime No.11 of 2024)

...

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.11 of 2024, on the file of the Inspector of Police, DCB, Chengalpattu District Police.

For Petitioner : Mr.S.Vijayakumar
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)
For Intervenor : Mr.E.Sathish Kumar

ORDER

Petition seeking bail in respect of Crime No.11 of 2024 registered for the offences punishable under Sections 406, 465, 468, 471 and 420 of IPC, is on board for consideration.



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2. The case of the prosecution is that the petitioner had entered into a sale agreement with the defacto complainant through his power of attorney Srinivasan. Later, the said Srinivasan died and the accused, without the knowledge of the defacto complainant, had settled the property in favour of his wife, the second accused. Hence, the case.

3. The incarceration of the petitioner being from 18.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that it is true that the defacto complainant entered into an agreement for sale through his power agent viz., Srinivasan. Later, the defacto complainant did not come for registering the sale deed and by that time his power agent has also died. Thereafter, he has not filed any suit for specific performance and also not demanded for return of money. Whereas, a false case has been foisted against him. He would further submit that the civil dispute has been given criminal colour.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant



of bail, is that the petitioner had entered into a sale agreement with the defacto complainant through his power agent of one Srinivasan. Later, the said Srinivasan died and the accused, without the knowledge of the defacto complainant, had settled the property in favour of his wife, the second accused.

5. The learned counsel appearing for the Intervenor would submit that the defacto complainant has paid a sum of Rs.33,00,000/- to the accused and without the knowledge of the defacto complainant, the petitioner had settled the property in favour of his wife.

6. In reply, the learned counsel for the petitioner would submit that the petitioner is ready to return the amount.

7. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the learned

Judicial Magistrate No.II, Chengalpattu and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police on everyday at 10.30 a.m., and thereafter, on every Saturday at 10.30 a.m., until further orders;

[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 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 of B.N.S.

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To

1. The Judicial Magistrate No.II,
Coimbatore.
2. The Inspector of Police,
DCB, Chengalpattu,
Chengalpattu District.
3. The Superintendent,
Central Prison, Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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