



Crl.O.P.No.32627 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

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

Crl.O.P.No.32627 of 2024

Varaaki @ V.R.Krishnakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gama -4, Land Grabbing Wing -II,
Central Crime Branch,
Vepery, Chennai – 600 007.
(Crime No.182 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with Crime No.182 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Rajkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Intervenor : Mr.J.Balachander

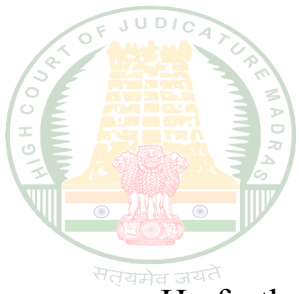
ORDER

Petition seeking bail in respect of Crime No.182 of 2024 registered for the offences punishable under Sections 420, 465, 467, 468 and 471 of IPC, is on board for consideration.



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WEB COPY 2. The incarceration of the petitioner being from 27.11.2024 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 the petitioner, who is an Activist and a Journalist, engaged in investigative journalism and running the social networking website in the name of 'Warroom official' and through which, he has been exposing the corrupt practices of the government officials. He further submits that the petitioner has written certain articles against the Sub-Registrar, Guduvancherry as well as against certain Police officials, who were in collusion with the said Sub-Registrar and based on the article written by the petitioner, a raid was also conducted in the office of the Sub-Registrar at Guduvancherry and certain illegal amounts have also been recovered from the custody of the officials in the said SRO. Thereby, in order to take vengeance against the petitioner, he was falsely implicated in this case by the respondent. He also submits that in this case, it has been alleged that the petitioner has received several amounts from the other main accused in this case. He further submits that the petitioner is suffering incarceration for more than 50 days and the police custody of the petitioner has already been taken in this case and therefore, further custody of the petitioner may not be required in this case.

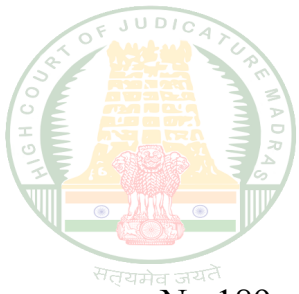


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He further submits that the petitioner has nothing to do with the alleged offence and he is ready to abide by any stringent condition that may be imposed by this court.

3. 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 on the complaint given by one Sathyapriya, District Registrar, South Chennai, alleging that certain false entries were made by way of insertion in the records of the SRO, Saidapet, in respect of properties in Survey Nos.166/1, 166/3 and 167/1 in respect of 4.62 cents, a case in Crime No.182 of 2024 came to be registered by the respondent Police.

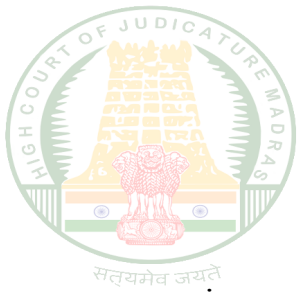
4. He further submits that during the course of investigation, it came to light that at the instance of A1, A2 had entered into a registered sale agreement in order to create encumbrance in respect of the subject property illegally. The investigation reveals that the property was purchased by one Girija in the year 1964 and 1969 and the original documents are with her legal heirs. He also submits that though, one Devendran/A2 claims that he is only an agreement holder, investigation reveals that A2 himself on 02.07.2021 has given a letter to SRO seeking for index correction in respect of sale agreement in the Document



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No.189 of 1987 and in the column of “request of index correction”, A2 had stated that the document was wrongly shown as mortgage deed instead of sale deed and that earlier document number was not inserted. Further, he had specifically claimed that he had purchased the property and he is the owner of the property. He also submits that during the course of investigation, the signature of the said Devendran/A2 found in the letter tallied with the signature found in the sale agreement and in subsequent cancellation deed. Further, A1, in his confession statement, confessed that A2 is an accomplice and he has also assisted others in the creation of fabricated document. He further submits that based on the inserted fabricated documents, A2 has also subsequently obtained information through RTI from the Registration Department in order to fortify their case, whereas, all those documents were obtained based on fabricated document. He also submits that the petitioner along with other accused, who are land sharks, by taking advantage of absentee owners, used to indulge in creating fabricated documents, insert them in the SRO office and by creating encumbrance and filing of collusive suits, caused much inconvenience and loss to the original owners of the property. He further submits that the petitioner has also assisted the other accused to grab the property of others and received several lakhs from them. It is a case of tampering of official records which is a

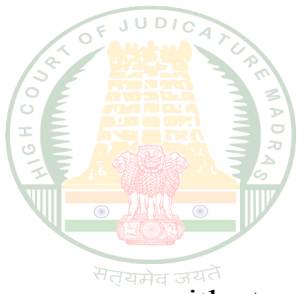


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serious offence and the investigation is still pending, thereby, he opposed for grant of bail to the petitioner.

5. Mr.J.Balachander counsel appearing for the de facto complainant submits that the properties were purchased by Mrs.Girija vide two documents in the year 1964 and 1969 and she was in continuous possession of the property and after her death on 19.07.2004, the properties have devolved on her two children, who are living in India and USA respectively. The accused, finding that the landlords are absent, created fabricated document and inserted in the SRO office and attempted to grab the property. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Having heard the learned counsel appearing for both sides and perused the materials available on record and considering the period of incarceration undergone by the petitioner and taking note of the fact that the case is borne out by documents and further, the custody of the petitioner has already been completed, 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 only)**



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with **two sureties**, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate, CCB and CBCID Cases Court, Egmore, Chennai**, 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 stay at Madurai and report before the Inspector of Police, Thallakkulam Police Station, everyday 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]***;



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

21.01.2025

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To

1. The Metropolitan Magistrate for
CCB and CBCID Cases Court,
Egmore, Chennai.
2. The Inspector of Police,
Gama -4, Land Grabbing Wing -II,
Central Crime Branch,
Vepery, Chennai – 600 007.
3. The Superintendent,
Central Prison,
Puzhal – II.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Thallakkulam Police Station,
Madurai.



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A.D.JAGADISH CHANDIRA.,J.

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