

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge**

Tuesday, the 13th day of September , 2022

Crl.M.P.No. 17084/2022

in

CCB- Land grabbing -1, Team-15 Crime No. 147/2022

P. Ramamurthy

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Central Crime Branch (CCB),
Land Grabbing-I, Team-15
Office of the Commissioner of Police,
Vepery,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. K. Shahjahan, Counsel for the petitioner and of CPP for respondent and upon hearing them, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 30.8.2022 for the offences punishable under Section 465, 467, 468, 471 r/w 34 IPC in Crime No. 147/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the defacto complainants alleged that the property in question viz., premises bearing Door No.58 Badrian Street, comprised in Survey No.1133 viz., an extent of 1624 sq.feet of house site with a building thereon belongs to one Karapatra Sivaprakasam Mutt at Vyasarpadi, Chennai and the said property has been dealt with by the petitioner. The above said property belongs to a Mutt of one Sadhu Gangaiah Swamigal and factually he had executed a Registered Will dated 8.12.1983 whereby the properties of the Mutt have been bequeathed to and in favour of one Mr. P. Nayagam, one of the disciples of the deceased Gangaiah Swamigal. Thereafter, the said Nayagam executed a Registered Will dated 5.4.2006 whereby he has dealt with the Mutt

properties and the petitioner filed a case in O.P.No. 583/2009 to probate the Will dated 5.4.2006. The Hon'ble High Court of Madras by its order dated 26.11.2010 allowed the Original Petition granting Probate of the Will dated 5.4.2006. Being the Executor under the Will dated 5.4.2006, and following the orders passed by the Hon'ble High Court of Judicature, Madras, the petitioner dealt with the property in question being one of the properties belonging to the Mutt and he had given Power of Attorney to and in favour of one D. Shanmugam. There is a claim and counter claim with regard to the ownership of the property in question and the dispute is in the nature of civil dispute and it is a matter to be adjudicated upon by filing civil suit either by the claimants viz., HR & CE Department or by the petitioner. This petitioner dealt with the property in question following the orders passed by the High Court dated 26.11.2010. He has acted bonafidely without any malicious motive or with any criminal intention to misappropriate the property in question. He further submits that the petitioner has been suffering acute heart ailments and he has also undergone angioplasty surgery for his heart ailment on 17.7.2022 and has been continuously taking treatment. Due to his arrest, the ailments of the petitioner have been aggravated and the petitioner has been suffering lot of pains and mental agony. This petitioner is aged 68 years. He is in custody from 30.8.2022. Hence, prays for granting bail.

4. On the other hand, learned CPP filed a written objection stating that originally, the subject property belongs to Kara Pathira Siva Prakasa Madalayam, Vyasarpadi, Chennai which is the sub temple under the control of Arul Migu Vadapalani Andavar Thirukovil, Vadapalani under the control of HR & CE department. Originally, this property was purchased by the Karapathira Swamikal vide document No.166/1937 dated 5.2.1937 from Narayana Swamappa. Thereafter, as per the order of HR & CE Na.KaNo. 11083/1976, the administration was handed over to the Assistant Commissioner, Thiruvallikeni Arul Migu Parthasarathy temple, after that on 22.11.1984, the administration was handed over to the Vadapalani Temple. Mr. Srinivasan, working as Assistant in HR & CE department lodged the complaint stating that this temple land was grabbed by these accused, by fabricating false documents and based upon his complaint, case was registered and investigation is going on. This petitioner along with other accused joined together and criminally conspired to grab the temple property for unlawful gain and in furtherance of their criminal conspiracy this petitioner has executed a false deed of allotment document

No.26/2014 at SRO North Chennai Office. After creation of this false document, he executed a false General Power of Attorney in favour of accused Shanmugam and Rajivgandhi. Thereafter, the temple property was sold to Amudha Esther for a sum of Rs.1,10,00,000/-. During investigation, it came to light that this petitioner conspired with the other accused created fabricated document for unlawful gain. Huge amount is involved in this case. Investigation is not yet completed. If the petitioner is released on bail, chances for absconding and tampering the evidence is more. Hence, he seriously objects the granting of bail.

5. This petitioner was arrested on 30.8.2022 for the offence committed by him u/s.465, 467, 468, 471 r/w 34 IPC. On perusal of the records, it is seen that the subject property is 1624 sq.feet of land was situated at Bathirian Street, Door No.58, Survey No.11233, Block No.90 and it was belonged to Karapathira Siva Prakasa Madalayam, Vyasarpadi and this temple is under the control of HR & CE. The allegation against the petitioner is that for the above said property, this petitioner in association of other accused, conspired together and fabricated documents for getting unlawful gain. This petitioner fabricated a deed of allotment document and also fabricated a false Will by mentioning that the property is belongs to Sri Karapathira Sivaprakasa Madalayam and Sadhu Gangaiya Swamigal is the Chairman of that Madalayam and he executed a Will dated 8.12.1993 in favour of Nayagam, in turn he executed a unregistered Will in favour of this petitioner on 5.4.2006. The said Will was probated in O.P.No.583/2009 dated 26.11.2010 and this petitioner executed a general power of attorney deed in favour of Shanmugam and Rajivgandhi Pandiyan and sold this property for a sum of Rs.62,00,000/- in turn they sold the property to one Amudha Esther for a sum of Rs.1,10,00,000/-. During investigation it was found that in the Will document No.114/1993, this case property was not mentioned. The accused misused the unconnected document number, created false documents for the government temple property. Out of Rs.1,10,00,000/-, this petitioner received a sum of Rs.62,00,000/-, and other accused unlawfully gained Rs.48,00,000/-. According to CPP, huge amount is involved in this case and the said amount is not yet recovered. Investigation is at preliminary stage. If the petitioner is released on bail, there is every possibility for his absconding and tampering the evidence. Though it is submitted by the counsel for the petitioner that this petitioner is a senior citizen and he is suffering from heart problem and

angio-blast surgery was undergone by him and on the medical ground, he may be released on bail. Admittedly, there is a hospital in the premises of prison and the prison authorities will take care of the petitioner if he need any medication. Considering the serious nature of offence, role played by this petitioner, quantum of amount involved, absconded accused are yet to be arrested and stage of the investigation, this court is not inclined to grant bail to the petitioner.

6. Petition is dismissed.

Delivered by me today in the open Court.

S ALLI Digitally signed
by S ALLI
Date: 2022.09.13
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Principal Sessions Judge