

Crl.O.P.Nos.16682 & 16713 of 2015**R.SUBBIAH, J.****COMMON ORDER**

The petitioners, who were arrested on 19.06.2015 for the alleged offences punishable under Sections 419, 465, 467, 468, 471 & 420 IPC r/w 120(B) IPC, in Crime No.220 of 2015 on the file of the respondent-Police, seek the relief of bail.

2.The petitioner in Crl.O.P.No.16682 of 2015 has been arrayed as 1st accused and the petitioner in Crl.O.P.No.16713 of 2015 has been arrayed as 3rd accused in this case. For the sake of convenience, the petitioners are referred to as the 1st & 2nd petitioners respectively.

3.The case of the prosecution is that in order to grab the property situated at V.G.P.Selva Nagar of No.137, Valachery Village, Saidapet Taluk, Chengalpet District, bearing Plot No.43, admeasuring an extent of 2400 sq.ft, which is actually owned by

the defacto-complainant Govindan, the 1st petitioner/A1 along with the other accused persons conspired and created forged Power of Attorney in the his name and based on the said forged Power of Attorney, they executed a sale deed dated 27.02.2014 in favour of one Mr.R.Sridhar Paul (A5) and the said sale deed was registered in Doc.No.1337 of 2014, in the office of Sub-Registrar, Velachery for the sale consideration of Rs.70 lakhs. The 2nd petitioner/A3 has signed as a witness in the said power of attorney executed in favour of the 1st petitioner. Hence, the case has been registered as against the accused persons.

4.The learned counsel appearing for the 1st petitioner/A1 submitted that the 1st petitioner is an innocent person and that the main accused in this case is the 1st accused, who impersonated as the original owner Govindan and approached the 1st petitioner and represented that he is the owner of the said property and offered to sell the said property. Believing the words of the 2nd accused, the 1st petitioner got the Power of Attorney from the 2nd accused and sold the property. The 1st

petitioner/A1 is the Managing Director of V.V.Home Makers (P) Ltd., dealing with the real estate business and having good name in the society. The 1st petitioner had no knowledge about the commission of offence by the 2nd accused. The learned counsel for the 1st petitioner would further submit that the 1st petitioner is in inside the prison from 19.06.2015 and he has also filed an affidavit before this Court stating that he is willing to co-operate with the defacto-complainant for cancelling the alleged sale deed executed in favour of the 5th accused. Thus, the learned counsel for the 1st petitioner/A1 prayed for grant of bail.

5.The learned counsel appearing for the 2nd petitioner/A3 submitted that the 2nd petitioner is an innocent person and the only allegation against the 2nd petitioner is that he signed as a witness in the alleged Power of Attorney. Further, the 2nd petitioner is in inside the prison for more than 20 days. Thus, the learned counsel for the 2nd petitioner/A3 prayed for grant of bail.

6.I have heard the learned Government Advocate (Crl.side)

also.

7.Considering the facts and circumstances of the case and taking note of the affidavit filed by the 1st petitioner undertaking to co-operate with the defacto-complainant for cancellation of alleged sale deed, I am of the opinion that bail could be granted to the petitioners by imposing stringent conditions. Accordingly, the petitioners are directed to be released on bail on each of them 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 learned XVIII Metropolitan Magistrate, Saidapet, Chennai, and on further condition that the petitioners shall report before the respondent-Police daily at 10.30 am for a period of two weeks and thereafter, as and when required.

09.07.2015

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R.SUBBIAH, J.

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