

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

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

Crl.O.P.No.10995 of 2020

Karthikeyan

... Petitioner

- Vs -

State rep. by  
Sub Inspector of Police  
Arcot Town Police Station,  
Arcot, Ranipet District.  
(Crime No.628 of 2020 )

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.628 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.T.Shanmugarajeswaran  
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 01.07.2020 for the offences punishable under Sections 420, 465, 467, 468, 419, 294(b), 323 & 506(i) of IPC, in Crime No.628 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Kannan is that the accused, on the false assurance and guise of obtaining ration card for the petitioner, had taken him to Registrar's Office and made him to execute a Power of Attorney by impersonating the de facto complainant as one Pachaiyappan Naicker (who is a dead person), based on which, they have sold the properties belonging to Late Pachaiyappan Naicker, to one Indiran.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner has been arrested on 01.07.2020 and that the major part of the investigation is over. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that one Pachaiyappan Naicker died during the year 1980. He would submit that the petitioner along with the other accused had taken the de facto complainant Kannan, in the guise of obtaining ration card for him and had made him impersonate as Pachaiyappan Naicker and thereafter, executed fabricated documents and transferred the property belonging to Pachaiyappan Naicker to one Indiran. He would submit that the investigation is in preliminary stage and the said Indiran has been arrested very recently.

5. Mr.G.M.Sankar, learned counsel appearing for the intervenor/de facto complainant would submit that the de facto complainant is a innocent person and that the accused taking advantage of his innocense, on the false assurance of obtaining a ration card for him, had taken him to the Registrar's Office and impersonated him as Pachaiyappan Naicker and transferred the properties belonging to Pachaiyappan Naicker to one Indiran and they have encumbered the property and that the documents are yet to be recovered.

6. Taking into consideration the facts and circumstances of the case and the fact that the investigation is in the preliminary stage and that the said Indiran has been arrested very recently, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

05/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, ARCOT,  
RANIPET DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 SUB-INSPECTOR OF POLICE,  
ARCOT TOWN POLICE STATION,  
ARCOT, RANIPET DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE

CC to M/S. K.G.SENTHILKUMAR Advocate on payment of necessary  
charges

CRL OP.10995/2020

Date :05/08/2020

RVR 11/09/2020



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