

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2020

CORAM :

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

Crl.O.P.No.14126 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 * **Section 420, 465, 467, 468, 419, 294 (b), 323 & 506(i) of IPC r/w.Section 120(b) 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 he is in judicial custody for almost 65 days. He would further submit that the entire case of the prosecution is borne out by documents and 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 to impersonate as Pachaiyappan Naicker and thereafter, executed fabricated documents and transferred the property belonging to Pachaiyappan Naicker to one Indiran. He would further submit that the investigation is pending and that the respondent are taking steps to record statements under Section 164 Cr.P.C. from the defacto complainant. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances and the submissions made by the learned counsels and the fact that the major part of investigation is over and the case of the prosecution is borne out by documents and also considering the period of incarceration undergone by the petitioner from 01.07.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned District Munsif-cum-Judicial Magistrate, Arcot, Ranipet District, within a period of two weeks from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

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

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

11/09/2020

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.

[*] Amended as per order of this court dated 21/09/2020 made in CRL MP.5593 of 2020 in CRL OP.14126 of 2020

TO

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

2 THE CHIEF JUDICIAL MAGISTRATE
RANIPET DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

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

CRL OP.14126/2020

Date : 11/09/2020

GKS:16/09/2020

GKS:22/10/2020