

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2020

CORAM :

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

Crl.O.P.No.14378 of 2020

Indhiran

... Petitioner

Vs.

State Rep. By
The Inspector of Police
Arcot Town P.S,
Vellore 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 in Crime No.628 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Rakhi

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.07.2020 for the offences punishable under **Sections 420, 465, 467, 468, 419, 294(b), 323 and 506(I) of the Indian Penal Code, 1860, 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 a false assurance and under the guise of obtaining ration card for him, had taken him to the 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 one Late Pachaiyappan Naicker, to the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence. He would further submit that believing the words of the other accused, he had only purchased the property and he is also the victim in this case. He would further submit that the main accused in this case has been granted bail by this Court vide

order dated 11.09.2020 in CrI.O.P.No.14126 of 2020. He would further submit that the petitioner was arrested and remanded to judicial custody on 29.07.2020.

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, under the guise of obtaining ration card for him and had made him to impersonate him as one Pachaiyappan Naicker and thereafter, executed fabricated documents and transferred the property belonging to the Late Pachaiyappan Naicker to the petitioner. He would further submit that the investigation is pending and that the respondent police are taking steps to record statements under Section 164 Cr.P.C. from the defacto complainant. Hence, he vehemently opposed for the 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 29.07.2020, 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, **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.

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

-sd/-
16/09/2020

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.

TO

1 THE DISTRICT MUNSIF CUM
THE JUDICIAL MAGISTRATE, ARCOT

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION., VELLORE DISTRICT.

+1 CC to M/S M.RAKHI Advocate on payment of necessary charges SR.NO.6282

CRL OP.14378/2020

Date :16/09/2020

GKS:18/09/2020