

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2020

CORAM :

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

CRL.O.P.No.19529 of 2020

Munusamy

... Petitioner

Vs.

State represented by Respondent

The Inspector of Police,
T-16, Nazarathpet Police Station,
Ambattur,
Thiruvallur District.
(Crime No.706 of 2020)

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.706 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Vijayanand

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

सत्यमेव जयते
ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.09.2020 for the offence punishable under Section 294 (b), 448, 427, 465, 467, 468, 417, 420, 406 and 506(1) of Indian Penal Code, 1860, in Crime No.706 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Parimala is that her mother, who was a retired Teacher, was living alone. The further allegation is that the accused, who was a tenant under the aged mother of the *de facto* complainant, misusing her old age, had taken her to Sub Registrar Office and in the guise of registering the Power of Attorney, had obtained a Release Deed from her. Further, the accused, by fabricating her signatures, had withdrawn several amounts from her account.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the mother of the *de facto* complainant was deserted by the *de facto* complainant and she was under the care of the petitioner and thereby, she executed the Release Deed in favor of the petitioner and the *de facto* complainant antagonized over the same, given a false complaint against the petitioner. He would submit that the petitioner was arrested on 17.09.2020 and he is in custody for the past 90 days and that the investigation has been completed and the charge sheet has not been filed so far. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner, taking advantage of the old age of the mother of the *de facto* complainant, had taken her to Sub Registrar Office and executed the Release Deed in his favour. He would submit that the petitioner is not related to the *de facto* complainant. He would further submit that the petitioner, by forging and fabricating the signatures, had withdrawn Rs.4.00 lakhs from the bank account of the mother of the *de facto* complainant. He would submit that the investigation in this case has been completed and the charge sheet has not been filed so far.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioner, 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 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 Judicial Magistrate-I, Poonamallee, Chennai, and on further conditions that;

(b) 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;

(c) the petitioner, on his release from the prison, shall report before the respondent Police everyday at 10.30 a.m. until further orders;

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

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

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

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

(h) 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/-

16/12/2020

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 JUDICIAL MAGISTRATE,
NO.1, POONAMALLEE, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-16, NAZARATHPET POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+2 CC to M/S.S.VIJAYANAND Advocate on payment of necessary charges SR.NO.8242

CRL OP.19529/2020

Date :16/12/2020

TA-17/12/2020