

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4593 of 2021

Aneesh Chakravarthi

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch,
LG-II, Vepery,
Chennai-7.
(Crime No.80 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.80 of 2020 on the file of Respondent police.

For Petitioner : Ms.Shaikh Mahrunnisa Kasim

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A7. The petitioner, who was arrested and remanded to judicial custody on 11.01.2021 for the offence punishable under Sections 419, 465, 467, 468, 471 and 34 of I.P.C. in Crime No.80 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a owner of the property. A2 in this case is an adopted son of defacto complainant and he said to have borrowed money from the petitioner and he has failed to repay the same. Subsequently, A2 in this case with the help of other accused have created a forged settlement deed. Thereafter, he has given a power of attorney to one Rajeshkumar, A3 and using the same, A3 has sold the property to A4. Subsequently, all the accused have mortgaged the property and obtained a loan. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 11.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that even as per the F.I.R., he did not play any role in the alleged transaction. Admittedly, A2 has borrowed money from him and the other accused only created a settlement deed, executed a power of attorney and mortgaged the property. He would submit the petitioner is an innocent person, he has been falsely implicated in the present case and he is not involved in the offence as alleged in the complaint. He would submit that now the injured was discharged from the hospital and the investigation is almost completed. He would submit that he is in jail from 11.01.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that all the accused have conspired together and created a forged document, thereby sold the property in favour of A4. Subsequently, the same was mortgaged. She would submit that the investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that A2 is an adopted son of defacto complainant borrowed money from him, and only in order to discharge the loan, all the other accused said to have committed the offence. Now the investigation is almost completed, and considering the period of incarceration suffered by the petitioner for more than two months, 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 No.I, Poonamallee 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, after his release from prison, shall report before the respondent daily at 10.30 a.m. for the period of two weeks and thereafter as and when required for interrogation;

(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.

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

-sd/-
12/03/2021

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.I,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
LG-II, VEPERY,
CHENNAI - 600 007.

5 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL.

+1 CC to M/S. SHAIKH MEHRUNNISA KASIM Advocate on payment of necessary charges SR NO. 3290

CRL OP.4593/2021

Date :12/03/2021