

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5556 of 2021

Udhayakumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Central Crime Branch,
Chennai.
(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 pending investigation on the file of the Respondent.

For Petitioner : Mr.B.Mohanraj

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

O R D E R

(The case has been heard through video conference)

Totally, there are eight accused and the petitioner is arrayed as A2. 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 r/w 34 of I.P.C., in Crime No.80 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner is an adopted son of defacto complainant and she is a owner of a property and purchased the same in the year 2017. The petitioner along with A1 created a bogus settlement deed in his favour and thereafter, he has given a power of attorney in favour of one Rajesh Kumar, A5, who in turn, executed a settlement deed in favour of A7 and thereafter, all the accused mortgaged the property in the bank and obtained loan. After the defacto complainant came to know about all transactions, has filed the present complaint and the petitioner was arrested and remanded to judicial custody on 11.01.2021. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that he is an innocent person, and he has been falsely implicated in this case. He would submit that only the defacto complainant has executed a settlement deed in his favour, being an adopted son. Thereafter, he has given power of attorney in favour of A5, who in turn, mortgaged the property in the bank and obtained loan. He would submit that he has not committed any offence as alleged by the prosecution and now, he is in jail for more than 70 days. Now, another co-accused was granted anticipatory bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the petitioner along with A1 created a fake settlement deed in his favour and thereafter, he has given a power of attorney in favour of A5. Thereafter, all the accused have mortgaged the property in the bank and obtained loan. Now, the investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances, the investigation is almost completed, the other co-accused was granted anticipatory bail and also considering the period of incarceration suffered by the petitioner from 11.01.2021, 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 his executing 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, on his release from prison, shall report before the respondent police daily 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/-

31/03/2021

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, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.B. MOHANRAJ Advocate on payment of necessary charges
SR.NO. 4298

CRL OP.5556/2021

Date : 31/03/2021

rvr 01/04/2021