

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.5758 of 2020

1. U. Thiruselvi
2. A. Murugan

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Central Crime Branch,
Team -16 A
Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.not known of 2020 on the file of the respondent police.

For Petitioner : Mr.B. Raja

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Sections 420 and 406 of IPC, in Crime No.not known 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there are totally four accused in this case and the petitioners herein are ranked as A3 and A4. All the accused have entered into a criminal conspiracy and created a forged power of attorney and sold the property. Based on the complaint given by the owner of the property this complaint came to be filed.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that they are not aware of the fact that A1 and A2 has created the forged power of attorney. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons created a forged power of attorney and sold the property. Therefore, he opposed to grant anticipatory bail to the petitioner.

5.Considering the fact that the petitioners who are A3 and A4 are not aware of the forged power of attorney and the said power of attorney was created by the other accused persons who are A1 and A2, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the CCB Court, Egmore, Chennai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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

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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
21/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1. THE CCB COURT,
EGMORE, CHENNAI.
2. THE CHIEF METROPOLITAN,
EGMORE [FOR INFORMATION]
3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, CHENNAI.

CC to M/S.B.RAJA Advocate on payment of necessary charges

CRL OP.5758/2020

Date : 21/01/2021

ksm01/02/2021

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