

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6286 of 2021

Siva K @ Arumugam

... Petitioner

-versus-

State Rep. by
The Inspector of Police,
CCB-II Police Station,
Chennai.
[Crime No.79 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.79 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. K.Mommuraj

For Respondent : Mr.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 10.01.2021 in connection with a case registered in Crime No.79 of 2020 for the offence punishable u/s 419, 465, 467, 468, 109 and 34 of IPC, seeks bail.

2. There are totally twelve accused in this case and the petitioner has been arrayed as A1. The allegation is that the petitioner impersonated one Annadurai, the de facto complainant and sold the property owned by him in favour of A2 to A6. The de facto complainant came to know about the transfer of property recently, when he visited his property.

3. The learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and he has been falsely roped in. He has been in custody for the more than 80 days and he is ready to abide by any conditions that may be imposed by this court in the event of granting bail.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed the petition for bail stating that the petitioner is the main accused who had impersonated the de facto complainant. She, however, submitted that all other accused, who were arrested and remanded to judicial custody had been granted bail and substantial investigation is over.

5. Considering the said facts and circumstances of the case and the fact that co-accused in this case had been released on bail and also considering the period of incarceration of 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-II, Ponneri, Tiruvallur District, 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 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.

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

-sd/-

01/04/2021

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.II, PONNERI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
CCB-II POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S.K.MOMMURAJ Advocate on payment of necessary charges
SR.NO.4421

CRL OP.6286/2021

Date :01/04/2021

rvr 07/04/2021

WEB COPY