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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18205 of 2021

Prashanthi

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
CCB-Group 17A,
Vepery,
Chennai.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.123 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Mohammed Ismail

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 10.08.2021 for the offences punishable under Sections 465, 467, 468, 471 r/w 34 and 109 of IPC, in Crime No.123 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the original owner of the property in fact his father had purchased the property in the year 1965. Thereafter, A2 impersonated one Ponnurangam, father of the defacto complainant and executed a sale deed in favour of A1 and sold their property in favour of A5 and A6, who in turn mortgaged the property for Rs.70,00,000/- in ICICI bank. Further, the petitioner along with other accused persons had intentionally grabbed the property belonging to the defacto complainant. Hence, the complaint was registered.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she is no way connected with the alleged offence and she has been falsely implicated in this case. He further submits that the petitioner has been jail from 10.08.2021. He further submitted that the petitioner is ready to cancel the sale deed within 40 days from the date of granting bail and he has also filed an affidavit before this Court. He further submitted that co-accused had already been released on bail by this Court in Crl.O.P..No.16488 of 2021 dated 22.09.2021. Hence, he prays for grant of bail to the petitioner.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. Considering the period of incarceration suffered by the petitioner and the petitioner is now ready to cancel the sale deed and the petitioner has also filed an affidavit to that effect, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her 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 Metropolitan Magistrate Court No.2, Egmore, Allikulam, Chennai, and on further condition that:

(a) the sureties shall affix their 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 petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.

(c) the petitioner is directed to cancel all the deeds and remove encumbrance in the alleged property within a period of 40 days from the date of granting bail, failing which this order will automatically be vacated without any reference to this Court.

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

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

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



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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06/10/2021

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, ALLIKULAM, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CCB-GROUP 17A,
VEPERY, CHENNAI.

CC to M/S.A.MOHAMED ISMAIL Advocate on payment of necessary charges

CRL OP.18205/2021

Date :06/10/2021

RW 07/10/2021