



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.19711 of 2021

Premkumar

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
C.C.B. XV Team
Vepery, Chennai

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Cr.No.119 of 2021 on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi
Mr.R.Velmurugan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.08.2021 for the offences under Sections 419, 465, 467, 468, 471 read with 34, 109 IPC, in Crime No.119 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 and she had purchased the property from one Mahon Mathew in the year 1990. While so, the 1st accused impersonated the defacto complainant and executed two power of attorney in favour of A2 and A3 in the year 2019 in respect of the property in Plot Nos.191 and 192 and when the power of attorney was in subsistence, the 1st accused had executed a sale deed in favour of A5 in the year 2020. Thereafter, A5 mortgaged the said property in the Punjab National Bank and obtained loan. When the defacto complainant tried to sell the property, she came to know that the accused have forged the documents for the purpose of land grabbing. Hence, the defacto complainant lodged a complaint.



3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the petitioner only signed as witness in the MODT and he is the relative of the purchaser/A5. He would further submit that the purchaser/A5 was arrested and subsequently, released on bail by this Court vide Crl.O.P.No.18506 of 2021 dated 04.10.2021 on condition to cancel the alleged sale deed within the stipulated time. But still the impersonators are absconding and thereby, he is unable to cancel the sale deed. He would further submit that the petitioner has no previous case against him and he is prepared to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. On the side of the prosecution, the learned Additional Public Prosecutor raised objections stating that since the impersonators are absconding, the respondent police is unable to conclude the investigation.

5. Considering the fact that the petitioner has only stood as witness to the MODT and the purchaser/A5 has been arrested and released on conditional bail to cancel the alleged sale deed and also considering the fact that the petitioner has been suffering incarceration for more than 70 days from 28.08.2021, 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 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 LG-II M.M.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 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 himself as laid down by the Hon'ble Supreme



Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

WEB COPY

-sd/-

08/11/2021

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 LG II METROPOLITAN MAGISTRATE,
ALLIKULAM, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
C.C.B.XV TEAM,
VEPERY, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.VELMURUGAN Advocate on payment of necessary charges SR.No.12482

CRL OP.19711/2021

Date :08/11/2021

APN 08/11/2021