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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.20327 of 2021

V.Nandhini

... Petitioner

Vs.

State by
The Inspector of Police,
Team XVII-Land Grabbing,
Central Crime Branch,
Chennai.
(Crime No.166 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to grant bail to the petitioner in Crime No.166 of 2021 pending on the file of the respondent police.

For Petitioner : M/s.R.Radha Pandiyan

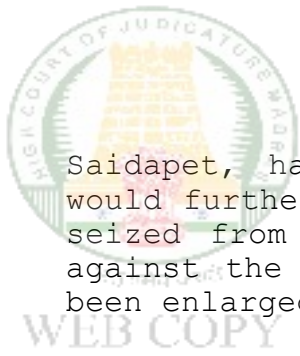
For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.09.2021 for the offence under Sections 419, 465, 467, 468, 471, 34 and 109 of I.P.C. in Crime No.166 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the defacto complainant is the owner of the property. A2 impersonated and executed general power of attorney in favour of A1. Thereafter, A1 alienated the property in which A3 and A4 stood as witnesses and the other accused colluded with these accused and committed the offence. The allegation against the petitioner is that the document was seized from her car.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel would further submit that the DRO,



Saidapet, has already cancelled the general power of attorney and would further submit that except the allegation that the document was seized from the petitioner's car, there is no other allegation as against the petitioner and would further submit that A9 has already been enlarged on bail by the lower Court.

4. Heard the submissions made by the learned Government Advocate (Criminal Side).

5. Considering the period of incarceration undergone by the petitioner and since except the allegation that the document was seized from the petitioner's car, there is no other allegation as against the petitioner and since A9 has already been enlarged on bail, I am inclined to grant bail to the petitioner, however, the benefit of this order is not applicable to the other accused, who have actively participated in the offence in order to grab the defacto complainant's property.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Metropolitan Magistrate, Special Judge No.2 for Land Grabbing Cases at 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 petitioners 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.

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-sd/-

29/10/2021

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
SPECIAL JUDEGE NO.2 FOR LAND GRABBING CASES
AT ALLIKULAM, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
TEAM XVII-LAND GRABBING,
CENTRAL CRIME BRANCH, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT
CENTRAL PRISON FOR WOMEN,
PUZHAL, CHENNAI

+1 CC to M/S. R.RADHA PANDIYAN Advocate on payment of necessary charges SR.No.12094

CRL OP.20327/2021

Date :29/10/2021

APN 29/10/2021