



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20580 of 2021

M.Prabhu

... Petitioner

Vs.

State by
The Inspector of Police,
Team XVII, CCB-1,
Chennai District.
(Crime No.166 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.166 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Rajmohan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. 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 IPC r/w Sec 34 & 109 IPC 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 this accused and committed the offence.

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. He further submitted that co-accused had already been released on bail by this Court in Crl.O.P.No.20327 of 2021 dated 29.10.2021. Hence he prays for grant of bail to the petitioner.

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



5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner and co-accused had already been released on bail, this Court is inclined to grant bail to the petitioner.

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 Metropolitan Magistrate Land Grabbing Court No.II, Allikulam, 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.

-sd/-
01/11/2021

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 METROPOLITAN MAGISTRATE,
LAND GRABBING COURT NO.II, ALLIKULAM.



2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TEAM-XVII, CCB-I,
CHENNAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL, CHENNAI.

+1 CC to M/S. J.RAJMOHAN Advocate on payment of necessary
charges SR.NO.12239

CRL OP.20580/2021

Date :01/11/2021

TA-02/11/2021