



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

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

Crl.O.P.Nos.21018, 21095, 21196 and 21307 of 2021

Vembuli ...Petitioner in 21018 of 2021
Jayalakshmi ...Petitioner in 21095 of 2021
Sumathi ...Petitioner in 21196 of 2021
K.Anbhazhagan ...Petitioner in 21307 of 2021

Vs.

The State rep by
The Inspector of Police
Central Crime Branch Team- XVIII A Police Station,
Vepery, Chennai.
Crime No: 143 of 2021

...Respondent in Crl.O.P.Nos.21018, 21196 and 21307 of 2021

The State
Rep. by Sub-Inspector of Police
Central Crime Branch, Team -XVIII A Police Station
Chennai
(Crime No.143 of 2021)

... Respondent in Crl.O.P.No.21095 of 2021

COMMON PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No.143 of 2021 on the file of the respondent police.

For petitioner in Crl.O.P.No.21018 of 2021 : Mr.E.Abdul Rahimon
For petitioner in Crl.O.P.No.21095 of 2021 : Mr.M.A.Muthalakan
For petitioner in Crl.O.P.No.21196 of 2021 : Mr.R.Sankarasubbu
For petitioner in Crl.O.P.No.21307 of 2021 : Mr.N.G.P.Rajaram

For Respondent :Mr.N.S.Suganthan
Government Advocate



COMMON ORDER

(The case has been heard through video conference)

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The petitioners who were arrested and remanded to judicial custody on 07.10.2021, 07.10.2021, 08.10.2021 and 07.10.2021 respectively for the offences under Sections 419, 465, 467, 468, 471, 34, 109 of IPC in Crime No.143 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused created forged and fabricated documents on the property belongs to the defacto complainant and based on the forged document, A1 created a general power of attorney with the help of a impersonator/A2 in document No.426 of 2021 dated 22.01.2021 at Sub Registrar Office, Mylapore, and in turn, A2 executed a sale agreement in favour of one Sivamani/A5 vide document No.2088 of 2021 at Sub Registrar Office, Pammal. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The learned Counsels would further submit that the petitioners have been suffering incarceration for more than 50 days. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised strong objections stating that still the alleged fabricated power deed has not been cancelled and based on the power deed, a sale agreement has been also been executed. He would submit that the original power holder/A1 has died. A2, the impersonator who executed the power of attorney in favour of A1 is still in custody. A4 is the purchaser. The petitioner in CrI.O.P.No.21018 of 2021 is the one who took active part in the fabrication of the power of attorney and organized the offence. Insofar as the petitioner in CrI.O.P.No.21095 of 2021 is concerned, she is arrayed as A6 and that she was present at the time of registering the General Power of Attorney and she associated the other accused. The petitioner in CrI.O.P.No.21196 of 2021 is concerned, she is arrayed as A7 and she is the one who typed the documents and the petitioner in CrI.O.P.No.21307 of 2021 is concerned, he stood as witness to the documents. He would further submit that there is a civil suit pending between the defacto complainant and the power holder in O.S.No.18 of 2019 before the District Court, Kanchipuram, for mandatory injunction to get back all the original documents from A1.

5. It is seen now that the original documents are under the custody of the police as per the reply given by the Government Advocate. Considering the period of incarceration undergone by the



petitioners and the fact that the investigation is almost completed and the impersonator/A2 has been arrested and still in custody, this Court is inclined to grant bail to the petitioners with certain conditions.

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6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Metropolitan Magistrate, Land Grabbing Court No.II (FAC) Egmore 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 Sub Registrar, Pammal, is directed to make entries in the encumbrance and he shall not register any documents based on sale agreement executed in Document No.2088 of 2021 dated 18.02.2021 until further orders.

(c) The Sub Registrar, Mylapore, is also directed to make entries in the encumbrance and he shall not register any documents based on the power of attorney deed in Document No.426 of 2021 dated 22.01.2021 until further orders.

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. until furthers.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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/-

15/11/2021

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL METROPOLLITAN MAGISTRATE,
LAND GRABBING COURT NO.II, (FAC),
EGMORE AT ALLIKULAM, CHENNAI.

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEAM-XVIII A POLICE STATION,
CHENNAI.

3 THE SUB-INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEAM-XVIII A POLLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE SUPERINTENDENT,
CETRAL PRISON, PUZHAL, (WOMEN SPECIAL CELL)
CHENNAI-66.

6 THE SUPERINTENDENT,
CENTRAL PRISON FOR MEN, PUZHAL CHENNAI.

7 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

COPY TO

1 THE SUB REGISTRAR,
PAMMAL.

2 THE SUB REGISTRAR,
MYLAPORE.



3 THE DISTRICT REGISTRAR,
KANCHEEPURAM.

4 THE DISTRICT REGISTRAR,
CHENNAI.

+1 CC to M/S. T.AROCKIA DASS Advocate on payment of necessary
charges SR.NO.12748

+1 CC to M/S. T.RAJESHKUMAR Advocate on payment of necessary
charges SR.NO.12772

+1 CC to M/S. N.G.P RAJARAM Advocate on payment of necessary
charges SR.NO.12759

CRL OP Nos.21018,21095,
21196,21307/2021

Date :15/11/2021

INBA-16/11/2021