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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

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

Cr1.O.P.No.21110 of 2021

Baskaran

... Petitioner

Vs.

State represented by
The Inspector of Police
Central Crime Branch-1
Chennai.
Crime No.166 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the above Crime No.166 of 2021, pending investigation on the file of the respondent.

For Petitioner : Mr.J.William Shakesphere

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

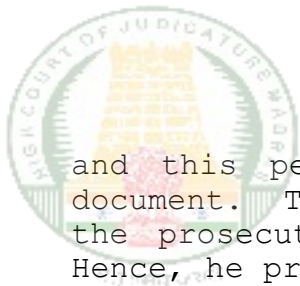
ORDER

(The case has been heard through video conference)

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

2. The case of the prosecution is that one Nirmala Sundaram, at present residing at United States of America lodged a complaint before the respondent police stating that, she is the owner of the property bearing Plot Nos.60 & 61 at Vallal Athiyman Street, Puzhityhivakkam, Madipakkam Village. She came to known that through her friends that someone is cleaning the said property and thereafter, on verifying the Encumbrance Certificate, someone had impersonated her power of attorney. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was working as Driver with one Mr.Prabhu. The said Prabhu told the petitioner to bring his Aadhar Card to register a document



and this petitioner was also agreed for the same to register a document. The petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

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4. The learned Government Advocate states that the petitioner also actively involved in the fraudulent act.

5. The Learned Counsel for the petitioner submits that already bail was granted to A7 & A8 and also submits that District Registrar passed proceedings dated 23.08.2021 with regard to the alleged fraudulent power of attorney and same is incorporated in Encumbrance certificate which reveals that based on the alleged fabricated power of attorney and that proceedings of the District Registrar dated 23.08.2021 was furnished before this Court.

6. Considering the fact that the investigation is almost completed as well as considering the proceedings issued by the District Registrar, and the release of the co-accused and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **Metropolitan Magistrate, Land Grabbing Court No.II, Egmore, Chennai**, and on further conditions 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. for a period of eight weeks as and when required for interrogation;

(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 55601; and;



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

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-sd/-
12/11/2021

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, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-1,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

CC to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges

CRL OP.21110/2021

Date :12/11/2021

TA-15/11/2021