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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.21180 of 2021

E.Magesh,

... Petitioner/Accused No.6

Vs.

State represented by
Inspector of Police
Central Crime Branch - 1, Team XVII
Vepery Egmore, 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.S.Mohanraj

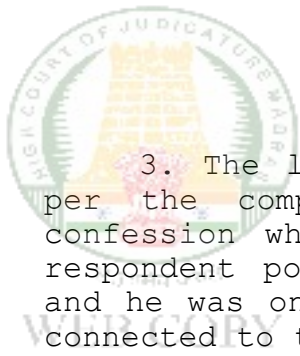
For Respondent : Mr.N.S.Suganthan
Government Advocate

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, 109 read with 34 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 as per 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, measuring an extent of 2 Grounds and 1360 (6160sq.ft) in the layout comprised in Paimas Nos.28/1, 28/2, 28/3, 28/4, 28/6, 28/8, 28/9 & 28/11 in S.Nos.93/4 part of 154 at Puzhityhivakkam, Madipakkam Village. She came to know 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 as per the complaint the petitioner is not mentioned as well of confession which will be always created in the own version of the respondent police officers, fabricated the petitioner as an accused and he was only witness in the sale deed. The petitioner is no way connected to the money related to this issue. Hence, the complaint.

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 no document should be executed and that proceedings of the District Registrar dated 23.08.2021 also furnished before this Court.

6. Considering the fact that the investigation is almost completed as well as 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 Land Grabbing Court No.II, Allikulam, 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 5560]; 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 LAND GRABBING COURT NO.II,
ALLIKULAM, EGMORE, CHENNAI.

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I, TEAM XVII,
VEPERY EGMORE, CHENNAI-600 008.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.S.MOHANRAJ Advocate on payment of necessary charges

CRL OP.21180/2021

Date :12/11/2021

INBA-15/11/2021