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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

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

Cr1.O.P.No.21331 of 2021

Balakrishnan

...Petitioner

Vs.

The State rep by  
The Inspector of Police  
CCB-1,  
Chennai.  
Crime No: 76 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 76 of 2021 on the file of the respondent police.

For petitioner : Mr.B.Karthikeyan

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 23.08.2021 under Sections 419, 420, 465, 467, 468, 471, 34, 109 of IPC in Crime No.76 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is one Mr.Jose Mathew. There is house property situated at Choolaimedu, Chennai and the said property stands in the name of his father K.C.Mathew. His father constructed an house and executed a WILL in favour of his wife and he died on 15.09.2014. Thereafter, the defacto complainant and his mother are residing in the said property. This being so, he came to understand that a person named K.C.Mathew Robert had executed a Power of Attorney deed and registered as Document No.5947 of 2020 dated 05.10.2020 in favour of one Pradeepraj who is the A2 in the alleged crime and the petitioner has endorsed as witness in the said power of Attorney. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is no way connected in the alleged offence and he has been falsely implicated in this case and that he has been suffering incarceration for more than 80 days from 23.08.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that A1 who impersonated and created the documents is still absconding. A2 who is the power holder of the said document has been arrested and he is still in Judicial custody. The petitioner is arrayed as A3 and he stood as witness to the power of attorney.

5. Considering the period of incarceration undergone by the petitioner and the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

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 for CBCID & CCB Cases at Egmore, 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, Tiruvottiyur, is directed not to register any document based on the forged Document No.5947 of 2020 dated 05.10.2020.

(c) the petitioner shall report before the respondent police on every Monday and Friday at at 10.30 a.m. until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

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-sd/-

15/11/2021

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  
FOR CBCID & CCB CASES, EGMORE.

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

3 THE SUPERINTENDENT,  
PUZHAI PRISON, CHENNAI.

4 THE INSPECTOR OF POLICE,  
CCB-1, CHENNAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

COPY TO

1 THE SUB REGISTRAR, TIRUVOTTIYUR.

2 THE DISTRICT REGISTRAR, TIRUVALLUR.

+1 CC to B.KARTHIKEYAN Advocate on payment of necessary charges  
SR.NO.12782

CRL OP.21331/2021

Date :15/11/2021

RW 16/11/2021