



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

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

Cr1.O.P.No.22098 of 2021

K.K.Ramesh @ Athiyaman

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
CCB-LG II, Team XXVI,
Greater Chennai Police,
Vepery, Chennai-600 007

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail who was arrested by the respondent police on 14.09.2021 in connection with Crime No.70 of 2020 on the file of the respondent police.

For petitioner : Mr.N.R.Elango, Senior Counsel
for Mr.R.Amizhdhu

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 14.09.2021 for the offence under Sections 465, 467, 468, 471 r/w 34 and 120B of IPC, in Crime No.70 of 2020, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused impersonated the original owner and fabricated the documents. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. He would further submit that the petitioner only stood as witness to the document without knowing the fact and he is aged about 53 years and that he has been suffering incarceration for more than 65 days from 14.09.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that in order to grab the property of the defacto complainant, A1 and A2 impersonated the defacto complainant and executed a sale deed in favour of A3. Insofar as the petitioner is concerned, he stood as witness to the document. He would further submit that co-accused have been released on anticipatory bail and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the age of the petitioner and that the co-accused have been granted anticipatory bail and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, 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 Judicial Magistrate-I, Poonamallee 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 on every Wednesday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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.

WEB COPY

-sd/-

23/11/2021

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 JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE INSPECTOR OF POLICE,
CCB-LG II, TEAM XXVI,
GREATER CHENNAI POLICE,
VEPERY, CHENNAI 600 007.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.N.R.ANANTHA RAMAKRISHNAN Advocate on payment of
necessary charges SR.NO.13240

CRL OP.22098/2021

Date :23/11/2021

RW 24/11/2021