

**CRL.O.P.NO.4040 OF 2022****DR.G.JAYACHANDRAN,J.**

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The petitioner, who was arrested and remanded to judicial custody on 01.02.2022 for the offences punishable under Sections 406, 420, 467, 468 and 471 of IPC in Crime No.70 of 2020, on the file of the respondent police, seeks bail.

2. The petition for bail filed by the second accused being arrested based on the complaint given by one Suresh alleging forgery of document and cheating. The First Information Report was registered in Crime No.70/2020 for the offences under Sections 420, 465 and 468 I.P.C. and now under investigation by the respondent police. As per the first information report, it appears that MOU was entered with one Jugaram Chowdry on 18.07.2016 by the defacto complainant for a sale of 5 grounds and 2388 sq.ft. of land at V.G.P. Golden Beach, Part -1 at Injambakkam village and 5 grounds 2388 sq.ft. In Injambakkam village and 4 ground 1200 sq.ft. In injambakkam village, Sholinganallur Taluk for a sum of Rs.9 crore and Rs.1.90 crores has been parted away as advance through RTGS. Later, it



was found that the power of attorney document alleged to have been executed by one Paneer in favour of Jugaram Choudhary in respect of the properties bearing forged documents and neither Paneer nor Juguram Choudhary are the real owners of the property and therefore, the complaint has been given after three years to the respondent police for investigation. This petitioner, who has not been named in the complaint but later found to be part of the forged power of attorney deed by impersonation by fixing his signature as witness in the said document along with one David had been represented as the second accused and David had been arrayed as the third accused. However, pending investigation, the third accused lost his breath. The first accused who was arrested on 08.10.2021, was later released on bail.

3.Learned Additional Public Prosecutor appearing for the respondent submitted that based on the instruction given by the Investigating Officer that they are in search of the said Paneer, though his name was not found in the F.I.R. and investigation being at very crucial stage. This petitioner has also involved in similar case, if he is released on bail, he will continue to indulge in similar offence and also abscond.



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4. On perusal of the CD file, this Court finds that this petitioner overtact as of now, as revealed by the investigation is only in respect of being a witness to the power of attorney deed dated 22.02.2016 which was executed in the name of A.Paneer, Son of Arthanareaswar in favour of Juguram Chowdhary claiming that he is the owner of the properties which has later been shown to the defacto complainant and substantial amount has been received as part sale consideration and the preliminary investigation reveals that the properties does not belong to Paneer.

5. The defacto complainant through his counsel seriously objected for grant of bail to the petitioner herein on the ground that the petitioner who is a habitual offender along with Juguram Chowdhary was detained under the Act 14 of 1982 for his act of land grabbing, creating a forged document and similar cases pending against the petitioner/accused. If the petitioner is allowed to be released on bail, he will continue to cheat gullible public by creating fake documents.



6. On considering the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor and the intervenor and on perusal of the CD file, this court finds that though on the face of record it appears that a team of impersonators and forgers have joined together to create fake documents of unclaimed lands and to sell it to gullible public but as on date, in respect of the case registered in crime No.70/2020, the role of the petitioner herein is being a witness to the power of attorney deed referred above and in this regard, he had been taken to custody and police has recorded his statement. He had been arrested on 01.02.2022 and had been in prison for the past 28 days. Since the offence relates to forgery and impersonation, the investigation can be effectively conducted, if the petitioner properly cooperates with the investigation and therefore, this court is of the view that the petitioner may be granted bail on condition.

3. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties, each



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for a like sum to the satisfaction of the learned Metropolitan Magistrate Court of CCB and CBCID cases Egmore, Chennai-8.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the Investigating Officer daily at 10.30 a.m. until further orders and cooperate with the investigation;

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

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law

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as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as



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laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560];

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

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28.02.2022

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