



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14639 of 2022

Thambidurai

..Petitioner/A11

Vs.

State Rep.by
Inspector of Police,
CCB Team-XVII(A),
Chennai
CCB Crime No.123 of 2021.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in CCB crime No.123 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.N.Dhurgasha

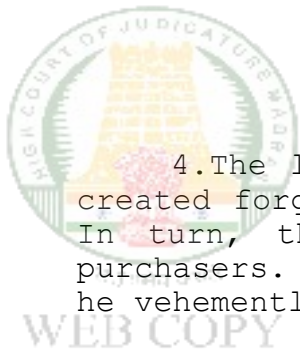
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2022 for the offences punishable under Sections 465, 467, 468, 471 r/w 34 of IPC and 109, 419, 420 of IPC in crime No.123 of 2021 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the property belonged to one, Parthasarathy was sold to the defacto complainant's father in the year 1965. However, A2 created forged document stating that the said property was settled to A1. Thereafter, they sold the property to A5 and A6, and the petitioner is the land broker. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that A2 created forged document stating that the property was settled to A1. In turn, they sold the property to A5 and A6 who are innocent purchasers. Insofar as the petitioner, he is the land broker. Hence, he vehemently opposed to grant bail to the petitioner.

5.Considering the above facts and circumstances of the case and the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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, out of which one shall be a blood related surety, each for a like sum to the satisfaction of the XIII Metropolitan Magistrate at Egmore, Chennai-08 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. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
24/06/2022

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.



1 THE METROPOLITAN MAGISTRATE,
NO.XIII, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB, TEAM XVII (A),
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+2 CC to M/S. D.N.DHURGASHA Advocate on payment of necessary
charges SR.NO.9858

CRL OP.14639/2022

Date :24/06/2022

TA-24/06/2022