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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

Cr1.OP.No.14663 of 2022

Thambidurai

..Petitioner

Vs.

State rep by
The Inspector of Police,
CCB, Team-XXIII(A),
Chennai,
(CCB Cr.No.81 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending in CCB Crime No.81 of 2022 on the file of Inspector of Police, CCB Team-XXIII(A), Chennai and impose any condition.

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 12.05.2022 for the offence punishable under Sections 109, 120(B), 419, 465, 467, 468 and 471 of IPC in Crime No.81 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons had fabricated forged Settlement Deed in favour of A1 by impersonating the defacto complainant with the intention to grab the property. Hence, the complaint.

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. He would further submit that the petitioner was arrested and remanded to judicial custody on 12.05.2022. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 6 accused in which the petitioner is arrayed as A6. Even according to the case of the prosecution, the petitioner is a document writer. On the instructions given by the other accused persons, he prepared a settlement deed in the name of A1. The case of the defacto complainant is that he is the original owner of the property and he was impersonated by the accused and settled the property in favour of A1. Hence, he vehemently opposed to grant bail to the petitioner.

6. Considering the above facts and circumstances of the case that the petitioner is only a document writer and also taking note of the fact that the petitioner is in judicial custody from 12.05.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the Learned 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. for a period of 4 weeks and thereafter 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.

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-sd/-

27/06/2022

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.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XIII, EGMORE, CHENNAI-08.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.D.N.DHURGASHA Advocate on payment of necessary
charges SR.NO. 10031

CRL OP.14663/2022

Date :27/06/2022

RW-27/06/2022