



WEB COPY



CrI.OP.No.16797 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

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

CrI.OP.No.16797 of 2022

M.Suresh

..Petitioner

Vs.

State rep. by
Inspector of Police,
CCB-I, Wing,
Chennai.
(Crime No.124 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime No.124
of 2022, pending investigation, on the file of the Respondent Police.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 05.07.2022 for the offence under Sections 419, 465, 467,



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468, 471 r/w 109 & 120(B) of IPC in crime No.124 of 2022 on the file of the respondent police, seeks bail.

2. There are totally five accused in which the petitioner is arrayed as A4. Originally the property belongs to *de-facto* complainant's wife and she died on 09.08.1999. A5 impersonated the deceased wife and executed sale deed in favour of A1. In turn, A1 on the strength of sale deed obtained patta. Thereafter, he deposited title deed with the petitioner herein and availed loan. He also executed Power of Attorney in favour of the A4 in respect of the subject property.

3. The learned counsel appearing for the petitioner would submit that he is ready and willing to cancel the Power of Attorney executed in his favour by A1 immediately after coming out from the prison.

4. Considering the above submission made by the learned counsel appearing for the petitioner, this Court is inclined to grant bail to



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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 blood related sureties, each for a like sum to the satisfaction of the learned Special Magistrate under land grabbing Allikulam, Chennai – 3 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 cancel the Power of Attorney executed in his favour and produce the cancellation deed within a period of two weeks before the respondent police, failing which the respondent police is directed to secure the petitioner and proceed in accordance with law;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

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

[e] the petitioner shall not tamper with evidence or witness 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



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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].

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

19.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Magistrate under land grabbing Allikulam,
Chennai-3.
- 2.The Inspector of Police,
CCB-I, Wing,
Chennai.
- 3.Jail,
Central Prison Puzhal.66
- 4.The Public Prosecutor,
High Court of Madras

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