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CrI.OP.No.19100 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM

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

CrI.O.P.No.19100 of 2022

Nithiyanandham

..Petitioner

Vs.

State Represented by
The Inspector of Police,
CCB Police Station,
Avadi,
Chennai District.

..Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.6 of 2022 on the file of CCB Police Station, Avadi, Chennai District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.Damodaran,

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.06.2022 for the offence under Sections 419, 420, 465, 468, 471 of IPC in crime No.6 of 2022 on the file of the respondent police, seeks



2. The case of the prosecution is that the *de-facto* complainant is the owner of the property comprised in Old Survey No.314/2, New S.No.314/31 to an extent of 2,400 Sq.ft situated at Alamathi Village, Ponneri Taluk, Tiruvallur District. He has been in possession and enjoyment of the said property since 1994. He further alleged that when the *de-facto* complainant verified the encumbrance certificate of the above property for executing a settlement deed in favour of his sons, he came to know that on 01.12.2021, a Power of Attorney Deed was executed and registered in favour of the A1/petitioner herein in respect of the above said property at SRO, Red Hills as Document No.14553/2021 by using forged AADHAAR Card and other documents of the *de-facto* complainant. Subsequently, the petitioner herein executed a sale deed in respect of the subject property in favour of A2 and A3 on 23.12.2021 as Document No.15468/2021 at SRO, Red Hills. Hence, the complaint.



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3. There are totally 11 accused, in which the petitioner is arrayed as A1. The property belongs to the *de-facto* complainant. A1 impersonated one person and obtained Power of Attorney in respect of the subject property belonging to the *de-facto* complainant. Thereafter, he executed sale deed in favour of A2 and A3 in which A4 and A5 stood as witnesses for Power of Attorney. A6 and A7 are witnesses to the sale deed. A8 is the Sub-Registrar, Red Hills. A9 to A11 are brokers, who arranged sale deed in support of the A1/petitioner herein.

4. The learned counsel for the petitioner submitted that the petitioner is ready and willing to cancel the sale deed executed in favour of the A2 and A3 immediately after coming out from prison.

5. Considering the above submissions and also the period of incarceration of the petitioner from the date of his arrest i.e., 21.06.2022, this Court is inclined to grant Bail to the petitioner with certain conditions. 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



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only) with two sureties, each for a like sum to the satisfaction of the **Judicial Magistrate Court-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 daily at 10.30 a.m. for a period of four week and thereafter as and when required for interrogation.

[c] immediately after coming from the prison within a period of two weeks, the petitioner shall produce the cancellation of sale deed executed in favour of A2 and A3 before the respondent Police, failing which the bail stands automatically cancelled and the respondent police is directed to secure the petitioner and proceed in accordance with Law.

[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 and the petitioner released on bail by the learned Magistrate/Trial Court



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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.

11.08.2022

mpl

To

- 1.The Judicial Magistrate Court-I,
Poonamallee.
- 2.The Inspector of Police,
CCB Police Station,
Avadi,
Chennai District.
- 3.Central Prison,
Puzhail.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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