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CrI.OP.No.19518 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM

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

CrI.OP.No.19518 of 2022

Ramesh Kumar

...Petitioner

Vs.

State rep by its Inspector of Police,
R-9 Valsaravakkam Police Station,
Chennai District.

(Crime No.116 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.116 of 2022 on the file of the Inspector of Police, R-9 Valasaravakkam Police Station, Chennai District.

For Petitioner :Mr.S.Suresh.

For Respondent :Mr.A.Gopinath,

Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.07.2022 for the offences punishable under Sections 419, 420, 465, 467, 468, 471 of IPC in crime No.116 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that petitioner herein claimed to have conspired with other accused and by fabricating documents have taken illegal ownership of the property of one deceased Subramanian and the *de-facto* complainant being the niece of the deceased, aggrieved by the acts of the accused have preferred a complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that petitioner fabricated fake documents and taken ownership of the *de-facto* complainant. Therefore, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there was property dispute between the petitioner and the power of attorney/*de-facto* complainant. After demise of the original owner of the property, the first accused obtained legal heir



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certificate and execute power of attorney in favour of the second accused.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 25.07.2022, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Ponnammalle**, 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 favour of the other accused persons and produce the cancellation deed within a period of two weeks from the date of his release from the prison 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and



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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 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.

22.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.I, Ponnammalle.
- 2.The Inspector of Police,
R-9 Valsaravakkam Police Station,
Chennai District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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