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Crl.OP.No.19941 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

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

Crl.OP.No.19941 of 2022

Kishore

...Petitioner

Vs.

State Rep. by:
The Inspector of Police,
R11 Royala Nagar,
Tiruvallur District.
(Crime No.136 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No. 136 of 2022 on the
file of the Inspector of Police, R 11 Royala Nagar, Tiruvallur District.

For Petitioner :Mr.M.Jyothikumar

For Respondent :Mr.A.Damodaran
Additional Public Prosecutor

ORDER



Crl.OP.No.19941 of 2022

WEB COPY

The petitioner, was arrested and remanded to judicial custody on 20.07.2022 for the offences punishable under Sections 419, 465, 465, 468, 471, 406, 420, 506(1) of IPC read with Section 34 IPC and 420 of IPC in crime No.136 of 2022 on the file of the respondent police, seeks bail.

2. It is seen that there are totally 10 accused in this case and the petitioner is arrayed as A2 and that the defacto complainant is doing real estate business. It is alleged that A1 is a land broker, who approached the defacto complainant to purchase the subject property for a sale consideration of Rs.3,25,000/- to the alleged owners of the land namely one Sujatha and one Abilesh. On 24.08.2021, the defacto complainant paid a sum of Rs. 25 lakh towards advance for the purchase of the subject land. It was later found that, in respect of the land there was already settlement registered and on enquiry, the defacto complainant found that the real owner of the property is in America. Thereby, the accused persons cheated the defacto complainant by creating forged documents. Hence, the case.

3. The learned counsel appearing for the petitioner submits that



Crl.OP.No.19941 of 2022

the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused cheated the defacto complainant and tried to sell others property by creating forged documents. Hence, he vehemently opposed for granting bail to the petitioner.

5. 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., 20.07.2022, 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 blood related sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Poonamallee** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



CrI.OP.No.19941 of 2022

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 twice daily at 10.30 a.m. and 5.30 p.m., for a period of four 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.

24.08.2022

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Crl.OP.No.19941 of 2022

WEB COPY

To

1. Judicial Magistrate I,
Poonamallee.
2. The Inspector of Police,
R11 Royala Nagar,
Tiruvallur District.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.19941 of 2022

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.19941 of 2022

24.08.2022