



CrI.O.P.No.25975 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.25975 of 2022

Ganesh Kumar

... Petitioner

Vs.

State by
Inspector of Police,
CCB Team-24 Police Station,
Vepery, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge on Bail pending investigation in Crime No.102 of 2022 on
the file of the respondent.

For Petitioner : Ms.K.Durga

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)

For Intervenor : Mr.L.Infant Dinesh



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ORDER

The petitioners, who was arrested and remanded to judicial custody on 18.08.2022, for the offences punishable under Sections 419, 465, 467, 468 & 471 of IPC, in Crime No.102 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused by impersonation and fabrication of documents, sold the land belonging to one Ganesh Kumar, who is a NRI and cheated the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner himself is victim in this case. She would also submit that the petitioner's name has been misused by the other accused and under the guise of giving loan to the petitioner, he was directed to deposit the demand draft in his account. She would also submit that on believing the other accused, the petitioner had deposited the demand draft to the tune of Rs.2,00,000/- in his account and other than en cashing the demand draft, the petitioner has not committed any offence. She would also submit the



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petitioner is in custody from 18.08.2022 and also submit that the respondent are also aware of the fact that the petitioner has no major role in the offence. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has accompanied all the other accused by encashing the demand draft to the tune of Rs.2,00,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. The learned counsel for the intervenor would also submit that the petitioner has also connived with the other accused in the alleged offence. Hence, he vehemently opposed to grant bail to the petitioner.

6. Heard both the learned counsel for the petitioner and the intervenor and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the



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submission that the petitioner is also the victim in the case and the name of the petitioner has been misused by the other accused, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Special Metropolitan Magistrate, Special Court for Land Grabbing Cases - II, Egmore at Allikulam Complex, Chennai - 03**, 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., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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



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[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;

27.10.2022

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To

1. The Special Metropolitan Magistrate,
Special Court for Land Grabbing Cases - II,
Egmore at Allikulam Complex, Chennai - 03
2. The Inspector of Police,
CCB Team-24 Police Station,
Vepery, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,



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High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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