



Crl.O.P.No.26557 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

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

Crl.O.P.No.26557 of 2022

K.Shanmugam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB Team - XXII Police Station,
Vepery, Chennai.

(Crime No.148/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.148
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Riyaz

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



Crl.O.P.No.26557 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.09.2022 for the offences punishable under Sections 465, 467, 468, 471 r/w 34 of IPC, in Crime No.148 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Ramamnujam is that he is the owner of the property measuring to an extent of 8000 sq.ft situated in Madipakkam, Chennai, having purchased the same by way of sale deed dated 08.07.1964 registered as Doc.No.1788 of 1964 at the office of Sub-Registrar Office, Pallavaram. The other case is that some persons have fabricated a document as if the de-facto complainant had sold to one Rasu(A1) and thereafter, the accused by impersonation had fabricated documents vide Document No.1789 of 1964 dated 11.11.1964, pursuant to which, the accused had power of attorney attempted to dispose of the property. Hence, the complaint.



Crl.O.P.No.26557 of 2022

WEB COPY

3. Mr.M.Mohamed Riyaz, the learned counsel for the petitioner would submit that the petitioner is working as an Assistant to one Arjun Chettyappan, who has engaged in the business of selling the second hand / used cars. He would further submit that the said Arjun Chettyappan on believing certain fraudsters, had invested Rs.1.5 Crores for either developing or holding the property and had obtained Power of Attorney in favour of the petitioner. He would also submit that other than being the power of attorney, the petitioner is not a beneficiary in the transaction and there is no bad antecedents against him and the allegations of forgery and fabrication of documents are vested only with the first accused in this case. He would also submit that this Court, while granting anticipatory bail to the said Arjun Chettyappan in Crl.O.P.No.23979 of 2022 vide order dated 18.10.2022, had directed him to hand over the alleged fabricated documents in his custody to the Investigation Officer and pursuant to the order of this Court, he had also handed over the same to the respondent Police and in respect of which, the acknowledgement has also been issued by the respondent Police.

4. The learned counsel would further submit that the petitioner shall also undertakes that he will not proceed any further or create any



Crl.O.P.No.26557 of 2022

encumbrance based on the alleged Power of Attorney obtained in his favour.

He would also submit that the petitioner is in custody from 21.09.2022 and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

5. The learned Government Advocate (Crl. Side) would submit that the de-facto complainant is the owner of the property measuring to an extent of 8000 sq.ft situated in Madipakkam, Chennai having purchased the same by way of sale deed dated 08.07.1964 registered as Doc.No.1788 of 1964 at the office of Sub-Registrar Office, Pallavaram. The further case is that some persons have fabricated the document as if the de-facto complainant had sold the same to one Rasu(A1) and thereafter, the accused by impersonation had fabricated documents vide Document No.1789 of 1964 dated 11.11.1964 , pursuant to which, the accused attempted to dispose of the property. He would further submit that the petitioner is the person on whom the said Arjun Chettyappan had obtained the Power of Attorney. However, he vehemently opposed to grant bail to the petitioner.



Crl.O.P.No.26557 of 2022

WEB COPY

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the petitioner had obtained a Power of Attorney based on the instructions from the said Arjun Chettyappan and also considering the fact that the said Arjun Chettyappan has also been granted anticipatory bail by this Court, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Land Grabbing Court No.II, Allikulam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



CrI.O.P.No.26557 of 2022

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, every day 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;

[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;

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Crl.O.P.No.26557 of 2022

To

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1. The Land Grabbing Court No.II,
Allikulam.
2. The Inspector of Police,
CCB Team - XXII Police Station,
Vepery, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26557 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.26557 of 2022

02.11.2022