



Crl.O.P.No.5399 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

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

Crl.O.P.No.5399 of 2023

Shyamala

... Petitioner

Vs.

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

(Crime No.02 of 2023).

... 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.02
of 2023, pending investigation on the file of the respondent.

For Petitioner : M/s.L.Jayamalini

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.01.2023, for the offences punishable under Sections 34, 419, 420, 465, 467 & 468 of IPC, in Crime No.02 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Chandrasekaran, is that his wife is the owner of Plot No.328, Srinivasa Nagar layout, Madipakkam admeasuring 2400 sq.ft and she passed away on 14.07.2018 and when the de-facto complainant had applied for an encumbrance certificate, he found that the accused, by impersonating and by fabricating the documents, have sold the said property to the third parties. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent lady, aged about 60 years and she has been falsely roped in this case by the other accused. He further submitted that other accused have called the petitioner to sign as a witness to a sale deed and on believing the same, she has signed and other than that the petitioner has not



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committed any offence. He also stated that taking advantage of the illiteracy of the petitioner, other accused have made her to sign in the alleged sale deed. He also stated that the main accused/Umapathy in this case, who is the master mind and who is alleged to have taken the booty, has been granted bail by this Court in Crl.O.P.No.3814 of 2023 vide order dated 27.02.2023. He further submitted that even as per the prosecution the petitioner is alleged to have received a sum of Rs.1.5 lakhs from the main accused, who are perpetrators of the crime and without prejudice, the petitioner is ready and willing to deposit a sum of Rs.1 lakh to the credit of Crime No.02 of 2023. Thereby, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused by fabrication of documents and by impersonation, have sold the property of the de-facto complainant and received a sum of Rs.89 lakhs from the purchaser. He further submitted that the petitioner is the impersonator in this crime and as per the prosecution, she has received a sum of Rs.1.5 lakhs. Hence, he opposed to grant bail to the petitioner.



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5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the fact that the main accused has been granted bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.02 of 2023**, without prejudice to her rights and contentions before the trial Court, on such deposit, the petitioner is ordered to be released on bail on her 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, Land Grabbing Court No.II (FAC), Egmore, Allikulam, Chennai**, and on further conditions that:

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



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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, everyday at 10.30a.m. for a period of two weeks and thereafter, on every Saturday, 10.30a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Special Metropolitan Magistrate,
Land Grabbing Court No.II (FAC), Egmore,
Allikulam, Chennai.
2. The Inspector of Police,
CCB Team - XXV Police Station,
Chennai.
3. The Central Prison,
Ladies Wing,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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