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Crl.O.P.No.24450 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.24450 of 2023

Mr.Peer Mohammed

... Petitioner

Vs.

The State, rep by the
Inspector of Police,
Land Fraud Investigation Wing,
Team 22, Central Crime Branch III,
Vepery, Chennai.
(Crime No.222 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.222 of 2023 pending
investigation on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner/A5, who was arrested and remanded to judicial
custody on 20.09.2023 for the offence punishable under Sections 419, 420,



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465, 467, 468, 471, 448, 120B & 34 of IPC in Crime No.222 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the owner of the lodge at No.283, Anna Salai, Teynampet, Chennai 18, had given a complaint that through impersonation, the Power of Attorney had been executed and thereafter, the said Power of Attorney has also executed an agreement of sale. Subsequently, the agreement of sale has been cancelled.

3.The allegation against the petitioner is that he was one of the tenant and had enjoyed the property.

4.However, it is stated by the respondent that the possession of the property has been handed over to the lawful owner.

5.Taking into consideration all the facts and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Metropolitan Magistrate for exclusive trial of CCB Cases (relating to cheating cases in Chennai & CBCID Metro Cases), Egmore, Chennai – 08,



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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 on everyday at 10.30 a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

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C.V.KARTHIKEYAN, J.

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To

1. The Metropolitan Magistrate for exclusive trial
of CCB Cases (relating to cheating cases in Chennai & CBCID
Metro Cases), Egmore, Chennai – 08.
2. The Inspector of Police,
Land Fraud Investigation Wing,
Team 22, Central Crime Branch III,
Vepery, Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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