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Crl.O.P.No.27408 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

Crl.O.P.No.27408 of 2023

Palanivel S/o. Samiyappa Gounder

... Petitioner/Accused-1

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Erode.

(Crime No.9 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.9 of 2023 on the file of
the respondent.

For Petitioner : Mr.C.Balasubramaniam

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



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ORDER

The petitioner/A1 seeks bail in Crime No.9 of 2023, registered by the respondent police for the offences punishable under Sections 120B, 467, 468 & 506(i) of IPC. The petitioner had been taken into custody on 16.09.2023.

2.It is the case of the prosecution that the defacto complainant and his son and his daughter had given Power of Attorney with respect to their property to A1. A1 had in turn sold the property to A2 but at that particular point of time since it was sold by a Power of Attorney agent, a Life Certificate was required and though the daughter was in abroad, a fraudulent Life Certificate was produced and on the strength of that, they sold the property in favour of A2 before the Sub Registrar. The other accused 3, 4 and 6, were also directly or indirectly connected with the execution of the said document. A5, who is not before this Court was a document writer.

3.On an earlier occasion, the application seeking bail/anticipatory bail had been dismissed and there was a very significant change in



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circumstance that the accused persons have now gone over to the Sub Registrar Office and had cancelled the document namely the Sale Deed executed in favour of A2 and restored the title back to the defacto complainant.

4.In view of that particular fact, which is a very significant change in circumstance, I am inclined to grant bail to the petitioner herein subject to the following conditions:

5.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 Judicial Magistrate Court -2, Erode, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or



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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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To

1.The Judicial Magistrate Court -2, Erode.

2.The Inspector of Police,
District Crime Branch,
Erode.

3.The Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.

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