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CrI.O.P.No.27948 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

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

CrI.O.P.No.27948 of 2023

S.Munvar Basha

... Petitioner/Accused-5

Vs.

The State represented by
The Inspector of Police,
Land Fraud Investigation Wing-1,
Team 15, Central Crime Branch-3,
Egmore, Chennai.

(Crime No.79 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.79 of 2023 on the file of
the respondent police on such terms and conditions.

For Petitioner : Mr.S.Raghuman

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



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ORDER

The petitioner/A5 seeks bail in Crime No.79 of 2023, registered by the respondent police for the offences punishable under Sections 419, 465, 468, 471 & 34 of IPC.

2.It is stated that one Sivakumar, the father of the defacto complainant had acquired a property from Tamil Nadu Housing Board at Aminjikarai/Arumbakkam in Chennai. It is stated that A2 had impersonated as the said Sivakumar and had given a Power of Attorney to A1, who in turn, entered into an agreement of sale and subsequently on the very next day, the said sale deed had also been executed.

3.It is stated that A3 had been granted bail by the Sessions Court. The petitioner is a witness to the document. But it is the case of the prosecution that the petitioner identified the fact that the owners of the property were not available, and they were abroad, and it was on that information, the entire transaction had taken place.



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4.The earlier application seeking bail in Crl.O.P.No.26316 of 2023 had been dismissed by this Court on 20.11.2023. Subsequently, on 07.12.2023, an application seeking bail for A6 came up for consideration and this Court had granted bail. It is stated that possession has been handed over back to the defacto complainant. These two are significant change in circumstance.

5.Taking all those factors into consideration, I am inclined to grant bail to the petitioner subject to the following 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 fresh sureties, each for a like sum to the satisfaction of the Metropolitan Magistrate, CCB/CBCID Court, Egmore, Chennai, 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., until further orders.



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trial.

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

[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.

14.12.2023

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To

- 1.The Metropolitan Magistrate, CCB/CBCID Court, Egmore, Chennai
- 2.The Inspector of Police,
Land Fraud Investigation Wing-1,
Team 15, Central Crime Branch-3,
Egmore, Chennai.
- 3.The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.
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