



WEB COPY



CrI.O.P.No.28329 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

CrI.O.P.No.28329 of 2023

P.Senthil

... Petitioner/Accused-1

Vs.

The State represented by
The Inspector of Police,
Land Fraud Investigation Wing-I, Team XV,
Central Crime Branch-I,
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.

For Petitioner : Mr.G.Rajkumar

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



Crl.O.P.No.28329 of 2023

WEB COPY

ORDER

The petitioner is A1 in Crime No.79 of 2023, registered by the respondent for the offences punishable under Sections 419, 465, 467, 468, 471 and 120B of IPC, seeks bail. He petitioner had been remanded to custody on 30.10.2023.

2.It is the case of the prosecution that A2 had impersonated the defacto complainant and had executed a Power of Attorney in favour of the petitioner herein with respect to a property at Door No.7, Plot No.R63, MMDA Colony, Arumbakkam, Chennai, measuring about 2400 sq.ft. The petitioner, on the strength of the said Power of Attorney, had sold the property to A3. The property then disappeared from the hands of the defacto complainant. It is for those reasons, the defacto complainant had lodged the complaint and FIR had been registered.

3.The learned counsel for the petitioner produced an undertaking affidavit given by the petitioner herein, wherein he had very categorically stated that he is ready to cancel the said Power of Attorney and co-operate with the Investigating Agency.



Crl.O.P.No.28329 of 2023

WEB COPY

4.This Court had already considered the application seeking bail of A5 and A6, who are the witnesses to the document which had been created and had granted bail. The learned Principal Sessions Judge at Chennai, had also granted bail to A3, who was the purchaser of the said property.

5.Taking all the factors into consideration and owing to the bonafide exhibit by the petitioner herein and the period of incarceration, 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 sureties, each for a like sum to the satisfaction of the Metropolitan Magistrate, For Exclusive Trial of CCB Cases and CBCID Metro Cases, 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.



Crl.O.P.No.28329 of 2023

WEB COPY

[c] the petitioner, while executing sureties, should also give an undertaking that he is prepared to co-operate during investigation and more specifically, to cancel any document relating to the aforementioned property including to ensure that the Power of Attorney which he has acted upon stands cancelled.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

21.12.2023

ata



WEB COPY



Crl.O.P.No.28329 of 2023

To

1.The Metropolitan Magistrate, For Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai.

2.The Inspector of Police,
Land Fraud Investigation Wing-I, Team XV,
Central Crime Branch-I,
Egmore, Chennai.

3.The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28329 of 2023

C.V.KARTHIKEYAN, J.

ata

Crl.O.P.No.28329 of 2023

21.12.2023