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CrI.O.P.No.28977 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.28977 of 2023

1.Soundar S/o. Kuppusamy

2.Mari S/o. Thangavelu

...Petitioners/Accused

Vs.

State rep. by

The Inspector of Police,

CBCID OCU-II,

Chennai.

(Crime No.7 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to release the petitioners on bail pending investigation in Crime No.7 of 2023 on the file of respondent.

For Petitioners : M/S.M.Kruthika

For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners seek bail in Crime No.7 of 2023, registered by the respondent police for the offences punishable under Sections 465, 467,



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470 of IPC. The petitioners were arrested and remanded to custody on 20.11.2023.

2. The case of the prosecution is that the Sub-registrar, Virugambakkam, had sent a letter to the Joint-II Sub-registrar, Saidapet to provide a scanned copy of index I, II, Thumb Impression Register in respect of document No.1231/1979/Book-I on the file of the Joint – II Sub-registrar, South Chennai, for verification in connection with the documents submitted by one Mari for registration of General Power of Attorney in favour of one Sakthi Kumar and the same was kept pending vide Doc.No.P20 and P21 of 2022 of the Sub-registrar Office, Virugambakkam. On scrutinisation of documents in respect of the said document at the Joint-II Sub-registrar Office, Saidapet, it revealed that some of the middle pages of thumb impression registers were damaged and tampered. On enquiry, the settlement deed submitted by the said Mari for registration of general power of attorney was found to be forged. Hence, the case.



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3. Learned counsel for the petitioners submitted that the 1st petitioner had received the property from his father through settlement deed dated 17.05.1979, which was registered in Sub-Registrar Office, Saidapet, along with six others and rescheduled the property allotted to the 1st petitioner. Previously, the said property was owned by one Chinnayam Mudaliar and Raju Mudaliar. Though the legal heirs of Chinnayan Mudaliar have no interest over the said property, in order to usurp the property wrongfully, the legal heirs of Chinnayam Mudaliar colluded with Sub-registrar Bhuttu Kannan and created forged power of attorney dated 09.12.2019. On knowing the same, a civil suit is pending before the Assistant City Civil Court, Chennai. He further submitted that revenue records were also stands in the name of the 1st accused. He further submitted that co-accused had been granted bail. Hence, he prays for grant of bail to the petitioners.

4. Learned Additional Public Prosecutor submitted that the petitioners along with other accused had forged the settlement deed submitted by Mari in the registers of the Joint-II Sub-registrar Office, Saidapet. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Considering the representation made by the learned counsel for the petitioner, considering the fact that co-accused had been granted bail and that civil dispute is pending between the parties and the petitioners had got orders before the Civil Court in their favour and considering the number of days of incarceration undergone by the accused, I am inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the XI Metropolitan Magistrate, Saidapet, 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders;



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- [c] the petitioners shall not abscond either during investigation or trial;
- [d] the petitioners 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 petitioners 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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P.DHANABAL, J.



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To

- 1.The XI Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
CBCID OCU-II,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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