



CrI.O.P.No.29021 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.29021 of 2023

V.Nagaraj

...Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch-I,
Office of the Commissioner of Police,
Pantheon Road, Egmore,
Chennai.
(Crime No.261 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail pending investigation in Crime
No.261 of 2023 on the file of respondent.

For Petitioner : Mr.K.Selvaraj
For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.261 of 2023, registered by
the respondent police for the offences punishable under Sections 420,



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465, 468, 471, 109 & 120B of IPC. The petitioner was arrested and remanded to custody on 20.11.2023.

2. The case of the prosecution is that the defacto complainant and her sister Kamala Mary are the absolute owners of the property in S.Nos.226/1 and 226/2 situated in Konnur, which was purchased by their father Velankanni by a registered Sale Deed dated 07.05.1965. The petitioner along with other accused had created a forged document as if the said Velankanni is female and registered the Sale Deed in favour of A1 and A2. Originally the said Velankanni is male and thereby, cheated the defacto complainant.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely roped in this case. Based on the confession of the co-accused, this petitioner has been implicated in this case and there was no specific overt act as against the petitioner and no transaction has been effected to this petitioner's accounts. Hence, he prays for grant of bail to the petitioner.



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4. Learned Additional Public Prosecutor submitted that the petitioner along with other accused had created a forged document and executed the Sale Deed in favour of A1 and A2. Hence, he vehemently opposed to grant bail to the petitioner herein.

5. Considering the rival submissions made by the learned counsel on either side, considering the fact that co-accused had been released on bail, this petitioner was neither a party nor a witness or the scribe of the document and considering the number of days of incarceration of the accused, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Special Court of Exclusive Trial of CCB/CBCID, Metropolitan Magistrate, Egmore, Chennai, and on further conditions that :-



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- [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 petitioner shall report before the respondent police 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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To

1.The Special Court of Exclusive Trial of CCB/CBCID, Metropolitan Magistrate, Egmore, Chennai

2.The Central Prison, Puzhal, Chennai.

3.The Inspector of Police,
Central Crime Branch-I,
Office of the Commissioner of Police,
Pantheon Road, Egmore,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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