



Crl.O.P.No.4959 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

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

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A.V.Udayakumar

...petitioner

Vs.

State represented by
The Inspector of Police,
CBCID OCU II,
Chennai.
Crime No.07 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.7 of 2023 on the file of the respondent Police.

For petitioner : Mr.S.Parthasarathy

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner/A4 who was arrested and remanded to judicial custody on 06.02.2024 for the offences registered by the respondent



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Police under Sections 465, 467 and 470 IPC, in Crime No.7 of 2023, seeks bail.

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.

3.The learned counsel for the petitioner stated that A1 had been granted bail by the Sessions Court and A2 and A3 had been granted bail



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by the learned Single Judge of this Court in Crl.O.P.No.28977 of 2023 on 29.12.2023. The main allegation against petitioner is that he has signed as V.Kumar to hide his name and also received a sum of Rs.6,00,000/- as consideration.

4.A counter affidavit had been filed on behalf of the respondent, wherein it had been stated that the investigation will have to be conducted to ascertain the accused who are involved in the preparation of the forged document and also the buyers.

5.But however, since the other accused have been granted, the petitioner cannot be viewed separately and kept in incarceration. It is also seen that a civil suit is also pending.

6.Taking all the factors into consideration and also of the fact that the other accused had been granted bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on executing a 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 learned XI Metropolitan Magistrate, Chennai and on



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



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C.V.KARTHIKEYAN. J.

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