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Crl.O.P.No.5687 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

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

Crl.O.P.No.5687 of 2024

Mukesh

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Central Crime Branch – 1,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.250 of 2022 on the file
of the respondent.

For Petitioner : Mr.P.N. Vignesh

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.01.2024 for the offences registered under Sections
419,465,467,468,471,109 and 34 of I.P.C in Crime No.250 of 2022 on the
file of the respondent Police, seeks bail.



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2. The case of the prosecution is that one Rameshwar Agarwal who is the grand father of the defacto complainant and his brother had purchased 16 grounds and 1400 sq.ft of land at Thiruvottiyur village under sale deed dated 27.01.1966. Subsequently the said Rameshwar Agarwal died on 15.01.1982 and the brother Subhas Agarwal also died on 18.08.1975. Thereafter, the petitioner was appointed as General Power of Attorney on 30.09.2013. Subsequently the petitioner herein executed a sale deed in favour of A2 and A3.

3. A counter affidavit has been filed by the respondent wherein it had been stated that the signatures of said Rameshwar Agarwal and Subhas Agarwal had been forged and the document ought not to have been registered, since they have already died. A complaint was lodged under Section 83 of Registration Act. It is stated that investigation has proceeded to an substantial extent.

4. The learned counsel for the petitioners filed a memo giving the details of the sureties. The learned Judicial Magistrate must take up the responsibility of verifying the sureties.



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5.Taking into consideration the period of incarceration and all other factors, 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(**out of which one surety should be blood related surety and another should be a solvent surety**), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Poonamallee.** 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.

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

[d] the petitioner shall not tamper with evidence or witness either



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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.

28.03.2024

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C.V.KARTHIKEYAN, J.

smn

To.

1.The **Judicial Magistrate No.I, Poonamallee.**

2. The Inspector of Police,
Central Crime Branch – 1,
Chennai.

3.The Central Prison, Puzhal, Chennai

4. The Public Prosecutor, High Court of Madras.

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