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CRL O.P. No.20544 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20544 of 2024

Prakash

... Petitioner / Accused

Vs

State rep. by
The Sub Inspector of Police,
CCB Avadi Police Station.

... Respondent

[Cr. No.22 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.22 of 2024, on the file of the respondent.

For Petitioner : Mr.M.Selvakumar

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2024 for the offences punishable under Sections 120B, 465, 467, 468, 471 & 420 of IPC, in Crime No.22 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant is the owner of the land in Survey No.770/1E/770/1D, T.S.No.34/1 in Plot No.23, measuring 2420 sq.ft at Korattur Village and he has purchased the land by way of Sale Deed in 1981. While so, one Abdul Rahman claiming that he is the owner of the property, the petitioner along with the other accused has created false Death Certificate of the defacto complainant and settled the property to his wife Haseena, who is impersonator under Doc.No.7611/2022, who in turn gave Power of Attorney to the petitioner under Doc.No.4635/2022, who in turn, sold the property to A4. When the defacto complainant verified the Encumbrance Certificate, he came to know that the accused cheated him. Hence, the complaint.



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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is only a power agent of the main accused and he has nothing to do with the alleged offence. He would also submit that there is no previous case as against the petitioner and the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, suppressing the particulars of the property, fabricated the documents and sold the property of the defacto complainant to A4. He would further submit that there is no previous case as against the petitioner and all the accused were arrested. However, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the representation made by both side learned counsel and considering that the petitioner is only a power agent of the main accused and that there is no previous case pending against the petitioner and also taking into consideration the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 **Judicial Magistrate Court No.1, Poonamallee**, and on further conditions that;

[b] the Petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.08.2024

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To

- 1.The Judicial Magistrate Court No.1, Poonamallee.
- 2.The Sub Inspector of Police,
CCB Avadi Police Station.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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