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Crl.O.P.No.31042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.31042 of 2024

S.Mehar

...

Petitioner

Vs.

State through

The Inspector of Police,

CCB-Aavadi, Avadi City Police,

Tiruvallur District.

(Crime No.89 of 2024)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.89 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Muralidharan

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

JUDGMENT

This criminal original petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 21.10.2024, seeking bail in Crime No.89 of 2024 registered for the offence under Sections 419, 420, 465, 467, 468, 471, 120B IPC.



CrI.O.P.No.31042 of 2024

WEB COPY

2.The case of the prosecution is that taking advantage of the fact that Vasuki, the owner of the property is living in America, the petitioner along with the other accused conspired together and by way of impersonation executed a settlement deed dated 23.11.20223 in favour of A4 and that thereafter, the property was sold to the other accused who in turn mortgaged the property to PNB Housing Finance Limited and obtained loan.

3.The learned counsel appearing for the petitioner would submit that all the accused in this case have been arrested and released on bail and that the petitioner is in custody from 21.10.2024 and further incarceration is not required for the purpose of investigation and that the petitioner is suffering from several medical issues. Hence, he prays for grant of bail.

4.Per contra, the learned Government Advocate appearing for the respondent, on instructions, would submit that the investigation is pending and the co-accused in this case have been released on bail.

5.Heard the learned counsel appearing for the petitioner and the



Crl.O.P.No.31042 of 2024

learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

6.Considering the fact that further custody of the petitioner is not required for the purpose of investigation and the petitioner is in custody from 21.10.2024 and also considering the medical issues of the petitioner, this Court is inclined to grant bail for the following conditions;

7.Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) The petitioner shall 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 learned Judicial Magistrate No.1, Poonamallee, Tiruvallur District.

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii)the petitioner shall appear before the trial Court once in



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a week, until further orders.

(iv)the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps to be taken.

(v)the petitioner shall not commit any offences of similar nature;

(vi)the petitioner shall not abscond either during investigation or trial;

(vii)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(viii)on breach of any of the aforesaid conditions, the 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 Trial Court itself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

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



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CrI.O.P.No.31042 of 2024

20.12.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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Note : Issue order copy by 20.12.2024
Upload the order copy forthwith.

Copy to:

- 1.The Inspector of Police,
CCB-Aavadi, Avadi City Police,
Tiruvallur District.
(Crime No.89 of 2024)
- 2.The Superintendent of Prison,
Special Prison for Women,
Puzhal, Chennai.
- 3.The Judicial Magistrate Court No.I,
Poonamallee, Thiruvallur District.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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Crl.O.P.No.31042 of 2024

Crl.O.P.No.31042 of 2024

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