



WEB COPY



CrI.O.P.No.158 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.158 of 2025

Badhur Nisha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
DCB, Chengalpattu District.

(Crime No.07 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.07 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Vijay

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

For Intervenor : Mr.K.Kousik

ORDER

Petition seeking bail in respect of Crime No.07 of 2024 registered for the offences punishable under Sections 463, 464, 465, 468, 471 and 420 IPC, is on board for consideration.



CrI.O.P.No.158 of 2025

WEB COPY

2. The incarceration of the petitioner being from 22.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He submits that the petitioner is a poor lady and she had approached one Shantha for obtaining Mahalir loan during the covid lockdown period and she had introduced her elder sister one Kumari, who had asked the petitioner to stand as a witness in a document at Tiruppur Sub Register's Office. When she had gone there, without her knowledge, she was made to sign a power of attorney and later, she came to know that based on the power of attorney, the main accused transferred the property belonging to the defacto complainant. He submits that other than receiving Rs.5,000/- on the inducement of the other accused, the petitioner has not committed any offence knowingly. He submits that the petitioner has also filed an affidavit before this Court with regard to the incident that had happened at the time of registration of the document. He also submits that the petitioner is not the major beneficiary in the transaction and she is in custody from 22.11.2024. He submits that the further custody of the petitioner may not be required since the case of the prosecution is borne out by the documents. He further submits that the petitioner understands that A3 in this case has cancelled the sale deed, which



Crl.O.P.No.158 of 2025

stood in his name and is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.Side) appearing for the respondent police, opposing for grant of bail, is that originally the subject property belonged to the defacto complainant, and she enjoyed the said property from her purchase from the year 1976. During the covid pandemic, the petitioner along with other accused conspired and colluded themselves, by impersonating the defacto complainant, executed a fraudulent General Power of Attorney deed in favour of this petitioner. Thereafter, by using the said forged power deed, the accused have sold the defacto complainant's property to third parties, thereby created encumbrance over the defacto complainant and also tried to grab the property. He further submits that the investigation is still pending.

4. Mr.K.Kousik, learned counsel for the Intervenor vehemently oppose for grant of bail, stating that the petitioner is also a main accused and that the petitioner had conspired with the other accused and sold the property belonging to the defacto complainant.



Crl.O.P.No.158 of 2025

WEB COPY

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record and also taking into consideration the affidavit filed by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and the affidavit filed by the petitioner shall form part and parcel of the court records and accordingly, the petitioner is ordered to be released on bail on him executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **II Judicial Magistrate, Chengalpattu**, 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. for a period of two weeks and thereafter every Saturday 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;



CrI.O.P.No.158 of 2025

WEB COPY

[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 269 of B.N.S.

09.01.2025

Anu

To

1. The Judicial Magistrate II, Court, Tambaram
2. The Inspector of Police,
DCB, Chengalpattu District.
3. The Superintendent,
Central Prison Puzhal III
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



CrI.O.P.No.158 of 2025

Anu

CrI.O.P.No.158 of 2025

09.01.2025