

CRL.O.P.NO.11461 OF 2016**S.VAIDYANATHAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 07.04.2016 for the alleged offences punishable under Sections 403, 406, 417, 420, 423, 467 and 468 IPC in Crime No.12 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is one of the legal heirs of late one Palanivelu, has fraudulently received a compensation to the tune of Rs.67,01,037/-, by producing NOC on behalf of other legal heirs authorising him to receive the compensation, for the lands, which were acquired by National Highways for widening National Highways from Alamelumangapuram to Pakkam village in Thiruvallur district.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he is no way connected with the said offence.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner has obtained the said amount by fabricating false document and impersonated as if the other legal heirs have no objection that the petitioner to receive the amount.

5.Heard the learned counsel for the petitioner, learned counsel for the Intervenor and the learned Government Advocate appearing for the respondent and perused the materials and counter affidavit filed by the respondent.

6.The factum that the petitioner had received the said amount, is not in dispute. The other legal heirs are before this Court as Intervenor and they have not given any consent to the petitioner for receiving their share. As the petitioner is entitled to 3/5th share out of Rs.67,01,037/-, which is the compensation received from the Government by the petitioner and charge sheet has not been filed and taking note of the period of incarceration, I am inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruthani and on further condition that:

(i) the petitioner shall deposit title deeds of the property equivalent to Rs.40,00,000/- either belonging to him or of his blood related surety, within a period of 15 days from the date of receipt of a copy of this order;

(ii) If the documents that are going to be produced belonged to any ancestors or co-owners, their consent affidavit should also be produced;

(iii) the petitioner shall report before the respondent police daily twice at 10.30 a.m. and 5 p.m., until further orders;

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

(v) the petitioner shall not abscond either during investigation or trial.

[vi] on breach of any of the aforesaid conditions, the 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 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]**.

06.07.2016

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