

Crl.O.P.No.5224 of 2016**K.KALYANASUNDARAM,J.**

The petitioner, who is arrayed as accused 3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471 and 420 of IPC in Crime No.3 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the second accused, who is the father of the petitioner/A3, had filed an application before the Government seeking assignment of land in S.No.77/6 situated at Thulukkanur Village, Attur Taluk, Salem District to the extent of 0.18.5 hectare. The Government has rejected the application of the second accused on 17.06.2013. Subsequently, the second accused approached the first accused, who is working as a Section Officer in the Secretariat and with the help of the first accused, he created another G.O.No.1(D) 606, dated 31.12.2014, as if, the land was assigned in favour of the second accused with active assistance of the petitioner/A3.

3.Mr.R.Shanmugasundaram, learned Senior Counsel for the petitioner submitted that the petitioner is a Software Engineer and he is working in Mumbai and he is an innocent person and he has been falsely implicated in this case. It is further submitted that even as per the case of the prosecution, the Government Order dated 31.12.2014 was created by the first accused and they have taken a print out, with the help of the petitioner/A3 and he is not involved in forging the document.

4.The learned Senior Counsel for the petitioner further submitted that the respondent issued a summon on 01.01.2016 directing the petitioner to appear for enquiry along with his laptop. Accordingly, the petitioner produced his laptop and as per the direction of the respondent, he has given a statement before the XI Metropolitan Magistrate, Saidapet, Chennai. Since the petitioner has not given any statement in support of the prosecution, the petitioner has been falsely implicated as an accused in this case.

5.*Per contra*, the learned Government Advocate (Criminal side) appearing for the respondent has filed a detailed counter and vehemently opposed to grant anticipatory bail to the petitioner contending that with the help of the petitioner, the Government Order, dated 31.12.2014 was altered to facilitate the second accused to get assignment of the land and therefore, custodial interrogation is necessary. It is further submitted that the first and second accused were arrested and released on bail.

6.Considering the above facts and circumstances of the case and taking note of the fact that the co-accused/A1 and A2 were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned XI Metropolitan magistrate, Saidapet, Chennai and on his executing 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 Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of one week and thereafter as and when required for interrogation. The petitioner

shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

18.03.2016

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