

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.24899 of 2019

SATHIYAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DCB PS,
KANCHIPURAM DISTRICT
CR.NO.58/2018

[RESPONDENT]

For Petitioner : M/S. S.JERALD LENIN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, GOVERNMENT ADVOCATE
O/O.PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420 r/w sec.34 of IPC in Crime No.58 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons have forged and created the unregistered sale agreement dated 15.05.2011 pertaining to the property measuring 15 cents out of 2.9 acres in SR.No.318/1, Pazhamathur Village, Mathuranthagam, Kancheepuram District, belonged to the defacto complainant and thereafter, they forged the signature of the defacto complainant in the said agreement. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the first accused forged and executed the sale agreement dated 15.05.2011 and put the signature of the defacto complainant in the said agreement. The petitioners 2 & 3 put their signatures as witnesses in the forged sale agreement. Meanwhile, the first accused filed a suit in O.S.No.281 of 2017 against the defacto complainant before the learned Principal District Judge, Chengalpet, seeking for the relief of specific performance and the same is pending. He further submitted that A1 and A2 already arrested and released on bail on 23.07.2019 by the learned Judicial Magistrate Court-II, Chengalpet, Kancheepuram District. The petitioner's name was not found in the FIR and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there three accused involved in the crime, in which the petitioner is arrayed as A3. The petitioner along with other accused persons have forged and created the unregistered sale agreement dated 15.05.2011 pertaining to the property belonged to the defacto complainant and thereafter, they forged the signature of the de-facto complainant in the said agreement. A1 and A2 were arrested and released on bail. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner/A3.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court-II, Chengalpet, Kancheepuram District, on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
16/09/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT-II,
CHENGALPET, KANCHEEPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE PRINCIPAL DISTRICT JUDGE
CHENGALPET

5 THE INSPECTOR OF POLICE,
DCB PS,
KANCHIPURAM DISTRICT

+1 CC to M/S. S.JERALD LENIN Advocate on payment of necessary charges SR.No.19276

WEB COPY

CRL OP.24899/2019

Date :16/09/2019

cs 20/09/2019