

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2532 of 2020

RAMESH SANKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
VELLORE, VELLORE DISTRICT.
(CRIME NO. 579/2019)

For Petitioner : M/S B.SUNDARAPANDIYAN Advocate

For Respondent : M/S. SARATHA DEVI.V, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 420, 468 and 471 IPC in Cr.No.579 of 2019 on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and A1 is the brother of defacto complainant/sister and without her knowledge, they have prepared the Legal heirs Certificate and sold the property to the third party. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that in respect of the property dispute, Second Appeal is pending before this Court and this Court has also granted Anticipatory Bail to his brother / A1 in Crl.O.P.No.1677 of 2020. He would further submit that the petitioner to show his bonafide is ready to deposit a sum of Rs.2,00,000/- (Rupees two lakh only) to the credit of crime No.579 of 2019. Thereafter, the said amount may disburse to the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the without the knowledge of defact complainant, they have prepared the Legal heirs Certificate and sold the property to the third party. Hence, she opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration that the petitioner has come forward to deposit an amount of Rs.2,00,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two lakh only) to the credit of Crime No.579 of 2019, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Arakkonam 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 deposit a sum of Rs.2,00,000/- (Rupees two lakh only) to the credit of Crime No.579 of 2019, before the concerned Magistrate, at the time of executing bond. On such deposit, the learned Judicial Magistrate, Arakkonam shall disburse the deposited amount in favour of the defacto complainant after obtaining undertaking affidavit from him.

[c] the petitioner shall appear before the respondent police as and when required, until further orders.

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

13/02/2020

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,
ARAKKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
VELLORE, VELLORE DISTRICT.

CC to M/S B.SUNDARAPANDIYAN Advocate on payment of necessary charges Sr.2906

CRL OP.2532/2020

Date :13/02/2020

RVR 17/02/2020

WEB COPY