

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twentieth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3119 of 2020

DHARMARAJ

[PETITIONER / ACCUSED]

Vs

THE STATE

[RESPONDENT]

REP BY INSPECTOR OF POLICE
CENTRAL CRIME BRANCH-II,
VEPPARI, CHENNAI
CR.NO.195/2019

For Petitioner : M/S. P.R.THIRUNEELAKANDAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

For Intervener : MR.M.BABU MUTHU MEERAN Advocate

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 offence under Sections 465, 467, 468, 471, 420 and 120B of IPC in Crime No.195 of 2019 on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A4 and A3 conspired themselves to grab the property of the defacto complainant at survey No.3/9A, 3/9B and created a forged power of attorney as if it was given by the 1st accused and registered the same as document No.430 of 2001, dated 12.04.2001 and later based on the said forged power of attorney, on 29.06.2001, the petitioner had executed a forged sale deed in favour of A4 registered as document No.3253 of 2001 to an extent of 3780 Sq.ft and grabbed the property. Hence, the complaint.

3.The learned counsel for the petitioner would submit that as per the order of this Court 12.02.2020, A3 had cancelled the sale deed dated 29.06.2001 executed in favour of the petitioner/A4 on 17.02.2020. He would further submit that the petitioner/A4 will not create any encumbrance with the cancelled property. Hence, he prayed for anticipatory bail to the petitioner/A4.

4.The learned Additional Public Prosecutor did not disputed the fact as submitted by the learned counsel for the petitioner/A3.

5.The learned counsel for the defacto complainant/intervenor would submit that A3 had cancelled the forged sale deed dated 29.06.2001, which was executed in favour of the petitioner.

6.Considering the facts and circumstances of the case and also considering the cancellation of the forged sale deed, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Judicial Magistrate No.I, Tambaram 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 for interrogation.

[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 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 229A IPC.

-sd/-

20/02/2020

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,
NO.I, TAMBARAM

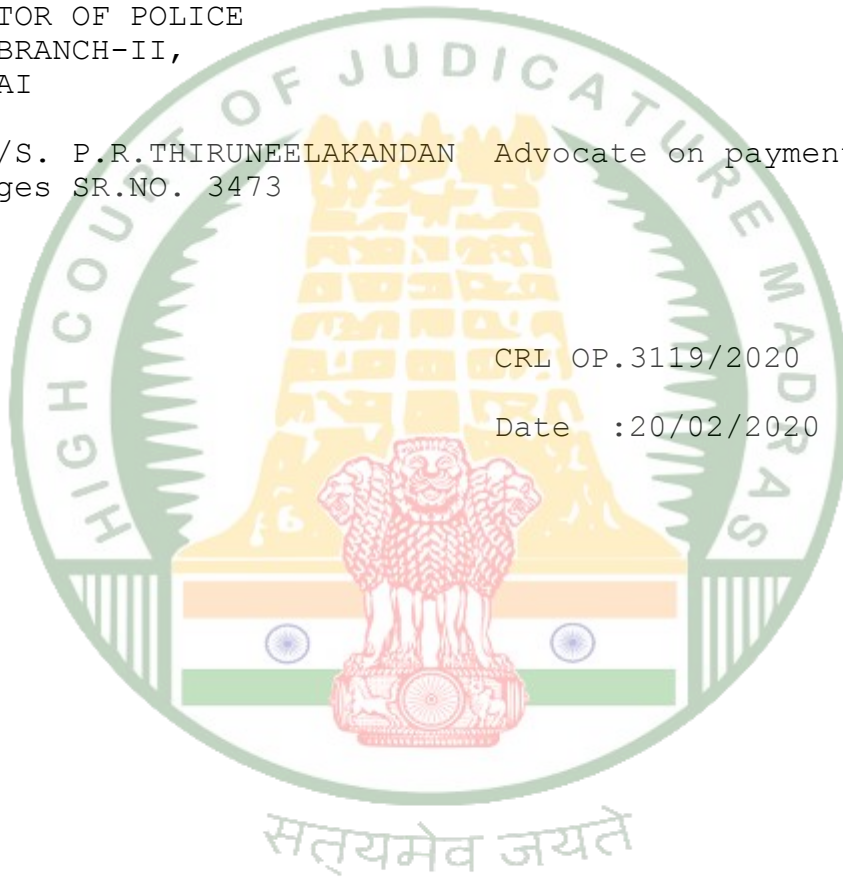
2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH-II,
VEPPARI, CHENNAI

+1 CC to M/S. P.R.THIRUNEELAKANDAN Advocate on payment of
necessary charges SR.NO. 3473

RD 21/02/2020



CRL OP.3119/2020

Date :20/02/2020

WEB COPY