

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3741 & 3746 of 2020

R.GOVINDASAMY

[PETITIONER IN CRL.O.P.NO.3741/2020]

1 MALLIGA

[PETITIONER IN CRL.O.P.NO.3746/2020]

2 VIJAY

Vs

STATE REP. BY

[RESPONDENT IN BOTH THE PETITIONS]

THE INSPECTOR OF POLICE,

DISTRICT CRIME BRANCH,

KANCHEEPURAM, KANCHEEPURAM DISTRICT.

CR.NO.29 OF 2019.

(UNDER SECTION 465, 468, 471 AND 420 IPC)

For Petitioner : M/S. V.CHANDRAKANTHAN Advocate

[IN BOTH THE PETITIONS]

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 465, 468, 471 and 420 of I.P.C., in Cr.No.29 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property. The petitioners are alleged to have created bogus document and executed general Power of Attorney in favour of one Abbas. Hence, the defacto complainant lodged the complaint. The petitioner in Crl.O.P.No.3741 of 2020 is arrayed as the first accused. The petitioners in Crl.O.P.No.3746 of 2020 are arrayed as A2 and A3 in this case.

3.The learned counsel appearing for the petitioners would submit that the general Power of Attorney executed in favour of one Abbas was cancelled on 24.02.2020 vide document no.479 of 2020.

4.The learned Additional Public Prosecutor did not dispute the fact submitted by the learned counsel appearing for the petitioners and would further submit that investigation is pending.

5.Considering the fact that the general Power of Attorney executed in favour of one Abbas was cancelled on 24.02.2020, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Chengalpattu, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner in Crl.O.P.No.3741 of 2020 and the second petitioner in Crl.O.P.No.3746 of 2020 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. The first petitioner in Crl.O.P.No.3746 of 2020 shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/02/2020

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

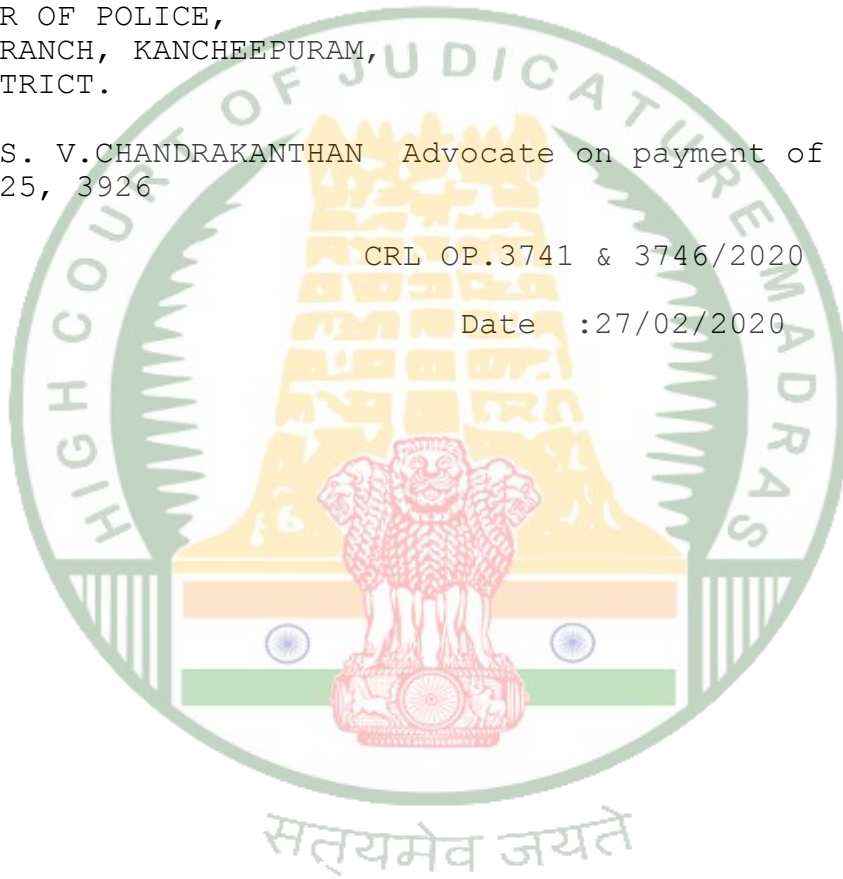
4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

+2 CC to M/S. V.CHANDRAKANTHAN Advocate on payment of necessary
charges SR.NO.3925, 3926

CRL OP.3741 & 3746/2020

Date :27/02/2020

TA-03/03/2020



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