

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3971 of 2020

SHIVAJI

[PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
DISTRICT CRIME BRANCH, SALEM,
(ORIGINALLY ON THE FILE OF INSPECTOR OF POLICE,
THAMMAMPATTY POLICE STATION,
SALEM DISTRICT).
CRIME NO.90 OF 2017

For Petitioner : M/S.R.THIRUGNANAM Advocate

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 petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120 (b), 415, 416, 417, 420, 468, 472, 191, 192, 199 & 209 of IPC, in Crime No.90 of 2017, on the file of the Inspector of Police, District Crime Branch, Salem district, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A1 and he has jointed together with other accused persons, forged the signature of the defacto complainant and created false and forged sale agreement and hence the defacto complainant filed a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the property; he sold the property by way of auction which was purchased by the defacto complainant and thereafter, A2 purchased the property jointly with other accused person from the defacto complainant. It is further submitted that a civil dispute is pending in O.S.No.35/2013 on the file of the Subordinate Judge, Attur where the co accused have been enlarged on bail in the year 2017 itself. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for State would submit that there are totally eight accused persons involved in this Case. The petitioner's rank is A1, he purchased a property jointed with other accused persons by forging the signature of the Defacto complainant by creating false sale agreement and the very same issue is pending before in O.S.No.35/2013 on the file of the Subordinate Judge, Attur.

5.Considering the fact and circumstances of the case and co accused having already been released on bail on 05.05.2017, this Court is inclined to grant anticipatory bail to the petitioner with liberty to canvass all other points at the time of trial.

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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Salem, 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 and on further condition that:

(b)the petitioner 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;

(c)the petitioner shall report before the respondent police daily at 6 p.m, for a period of one week and thereafter as when required;

(d)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]; and;

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

-sd/-
26/02/2020

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.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DISTRICT CRIME BRANCH, SALEM,
(ORIGINALLY ON THE FILE OF INSPECTOR OF POLICE,
THAMMAMPATTY POLICE STATION, SALEM DISTRICT).

+1CC to M/S.R.THIRUGNANAM Advocate on payment of necessary charges SR NO.3798

CRL OP.3971/2020

सत्यमेव जयते Date :26/02/2020

MK:03/03/2020

WEB COPY