

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4997 of 2020

SETTU

[PETITIONER / ACCUSED]

Vs

STATE REP. BY ITS, [RESPONDENT]
INSPECTOR OF POLICE,
VALAPANDAL POLICE STATION,
RANIPET DISTRICT.
CRIME NO.32 OF 2020

For Petitioner : M/S.G.P.SIVAKUMAR Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :--

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 465, 468, 471 and 420 of IPC in Cr.No.32 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution are that the accused, by fabrication of documents, had sold the property, measuring 3.53 acres in Village Patta Nos.89 and 265 to one Rajeswari. Based on the complaint given by the Tahsildar concerned, the Petitioner has been implicated as A1 in the case on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the learned counsel for the Petitioner, the property was sold by A2, Rangadurai and the Petitioner had acted only as an Agent and he was not aware of the fabrication of documents done by A2, who is the beneficiary under the sale. A2 was arrested and released on bail on condition to return the amount to Rajeswari, pursuant to which, A2 had also returned the amount received from Rajeswari. It is A2, who had forged the documents and he has nothing to do with the alleged fabrication of documents.

5. On the other hand, the learned Government Advocate, while vehemently opposing to grant anticipatory bail, would submit that A2, Rangadurai, by fabrication of documents, more particularly, life certificate, had sold the property to one Rajeswari.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the District Magistrate Cum Judicial Magistrate, Arcot, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-

- i. If the Petitioner fails to surrender before the District Magistrate Cum Judicial Magistrate, Arcot, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.
- ii. 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 District Magistrate Cum Judicial Magistrate, Arcot. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.
- iii. 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, until further orders.
- iv. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.
- v. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.

vi.If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-
10/03/2020

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 DISTRICT MAGISTRATE CUM
JUDICIAL MAGISTRATE, ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VALAPANDAL POLICE STATION,
RANIPET DISTRICT.

+1CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR NO.4784

CRL OP.4997/2020

Date :10/03/2020

MK:13/03/2020

WEB COPY