

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5354 of 2020

1 MURUGESAN
2 VENKATESAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, RANIPET,
VELLORE DISTRICT. CR.NO.515/2019.

For Petitioner : M/S.B.SUNDARAPANDIYAN Advocate

For Respondent : MR. K.PRABAKAR, 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 offence punishable under Sections 120B, 419, 465, 468, 471 and 420 IPC in Cr.No.515 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and their father who are the adjacent land owners of the defacto complainant by impersonation transferred his property in the name of father of the petitioners/Varathan. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners submit that the main accused/Varathan who is the father of the petitioners obtained anticipatory bail before the District Court, Vellore and the arrested accused have been released on bail. Hence, he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners are adjacent land owner to the defacto complainant, they by producing A2 before the Sub Registrar office by impersonating as defacto complainant transferred the property in their favor, thereby attempted to grab the property of the defacto complainant. He would submit that only on the identification and instruction of the petitioners, the witnesses have identified the impersonator as owner of the property and attested the deed.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the District Munsif-cum-Judicial Magistrate, Ranipet, on condition that the petitioners shall execute a sepearate 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, within two weeks from the date of receipt of the order, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30am until further orders.

[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 petitioners 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].

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

-sd/-

17/03/2020

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 MUNSIF CUM
JUDICIAL MAGISTRATE, RANIPET

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
RANIPET, VELLORE DISTRICT

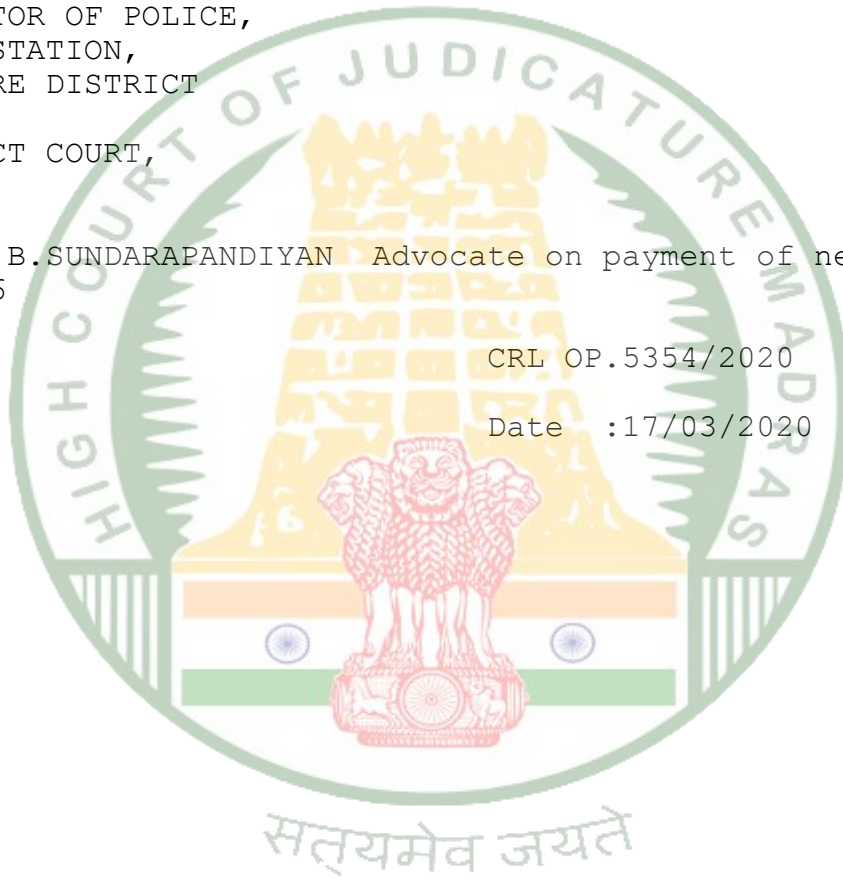
5 THE DISTRICT COURT,
VELLORE.

CC to M/S.B.SUNDARAPANDIYAN Advocate on payment of necessary
charges sr.5266

CRL OP.5354/2020

Date :17/03/2020

RVR 24/03/2020



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