

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)
Friday, the Thirteenth day of March Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL ORIGINAL PETITION No.5866 of 2020

P.RAMASAMY

[PETITIONER / ACCUSED]

Vs

1 STATE REP. BY [RESPONDENT]
DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
SALEM

2 STATE REP. BY
THE INSPECTOR OF POLICE
DISTRICT CRIEM BRANCH,
SALEM
CRIME NO.7 OF 2020

(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.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences publishable under **Sections 120 (B), 415, 416, 417, 420, 468, 472, 191, 192, 199 & 209 IPC, in Crime No.7 of 2020**, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the main accused A1 joined with other accused persons forged the signature of the defacto complainant and created a false and forged sale agreement. Based on which the defacto complainant filed a complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would also submit that the allegation

against him is, that he has signed as a witness in the sale agreement. He would also submit that there was a Civil dispute between the defacto complainant and A1 and other accused and they have filed a suit in O.S.No.35 of 2013, on the file of the Subordinate Judge, Attur and the same is pending. He would also submit that main accused who are stated to have fabricated the document have been granted anticipatory bail in Crl.O.P.No.3179 of 2020 and Crl.O.P.No.9183 of 2017. He would further submit that the petitioner is aged about 82 years and that the entire case of prosecution is borne out by documentary evidence. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner and other accused persons fabricated the defacto complainant's signature and created a forged sale agreement. Hence, she opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, and the petitioner is aged about 82 years and that the entire case of prosecution is borne out by documentary evidence and the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 30 days from the date on which the order copy made ready, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall appear before the learned Judicial Magistrate-VI, Salem, at 10.30 a.m., for a period of two weeks from 15.04.2020 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

13/03/2020

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 JUDICIAL MAGISTRATE,
NO.II, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.VI, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH, SALEM

6 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SALEM.

+1CC to R.THIRUGNANAM Advocate on payment of necessary charges SR NO.5073

CRL OP.5866/2020

Date :13/03/2020

MK:23/03/2020