

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 5988 of 2020

Sarathy Kumar

... Petitioner

Vs.

The State represented by,
Inspector of Police
Vaniyambadi Taluk police Station,
Vellore District
(Crime No.132 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in respect of Crime No.132 of 2020 on the file of the Inspector of Police, Vaniyambadi Taluk Police Station, Vellore District on their appearance before the concerned Court.

For Petitioner : Mr.K.Balu

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The Petitioner who apprehends arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 120(b), 420, 423, 468, 471, 506(ii) IPC, in Crime No.132 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.P.C, seeking anticipatory bail.

2. The case of the prosecution is that the defacto complainant Soundarajan is the relative of one Yogambal who is a mentally challenged person. The further allegation is that the petitioner along with the other accused had taken the said Yogambal to the Sub Registrar Office and obtained Power of Attorney in favour of the first accused and they have disposed of the property belonging to the said Yogambal illegally.

Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has been arrayed as fourth accused in this case and that he is an innocent person. He further submitted that the said Yogambal is not a mentally challenged person. She has executed the Power of Attorney in favour of the first accused based on which the property has been sold. Now to defeat the interest of the first accused a false complaint has been given through her relative one Soundarajan. He further submitted that earlier A3 in this case was arrested and taken to remand, however on perusing the materials the learned Magistrate refused to accept the remand of A3. The entire case of the prosecution is borne out by documents and the custodial interrogation of the petitioner may not be required. The respondent has also issued summons to the petitioner for his appearance on 26.06.2020 and the petitioner is prepared to appear before the respondent and cooperate for investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner took the relative of the defacto complainant one Yogambal who is a mentally challenged person and suppressing the fact that she is mentally unstable they have made her execute the Power of Attorney in favour of the first accused, pursuant to which her properties have been sold to third parties. He would further submit that out of 1.5 acres one acre of property has been sold by A1. The allegation against the petitioner is that he had assisted the other accused. Therefore, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner and the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Vaniyambadi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) within a period of two weeks from the date on which the order copy is made ready, 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 surety 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 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.

[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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/07/2020

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

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
VANIYAMBADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

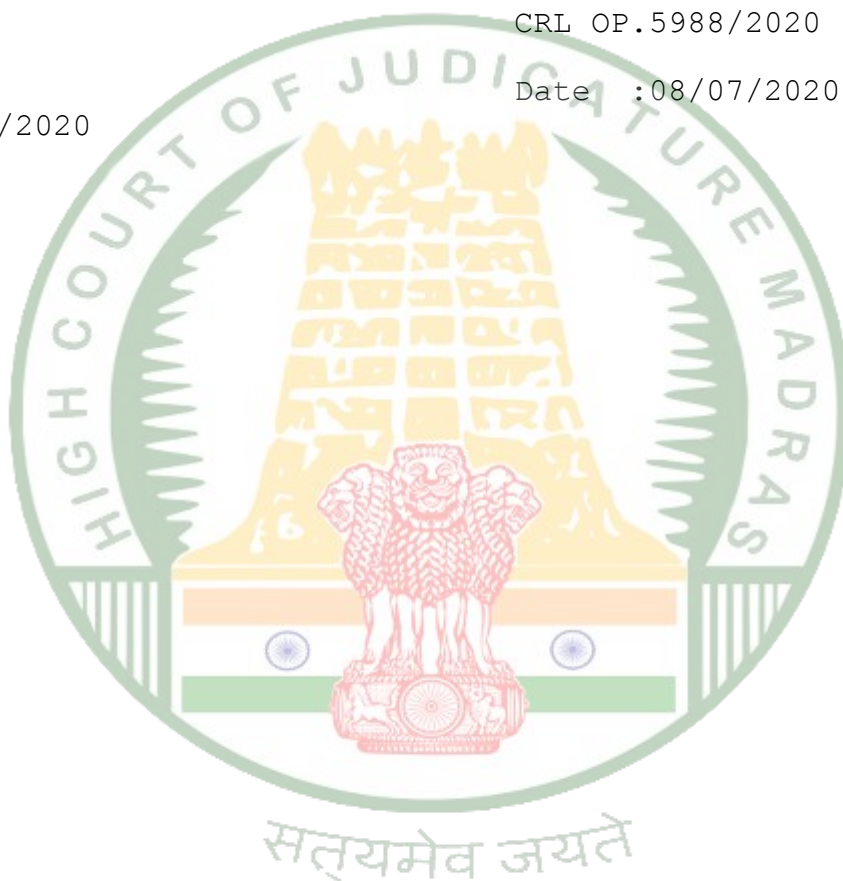
4 THE INSPECTOR OF POLICE
VANIYAMBADI TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S.K.BALU Advocate on payment of necessary charges

CRL OP.5988/2020

Date :08/07/2020

GKS (CS) :12/08/2020



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