

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.10250 of 2020

J.Karnan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Vedaraniyam Police Station,
Nagapattinam District.
(Cr. No. 850 of 2020) ... Respondent

Prayer: This petition has been filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.850 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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 448, 420 IPC and 67 of the Information Technology Act, 2000 in Crime No.850 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.P.C, seeking anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that her husband died during the year 2016 and that she has been enjoying the shop premises owned by her husband by leasing out to one Kanagaraj. The said Kanagaraj had vacated the shop, while so the accused who is one of the defacto complainant's sons by fabricating documents had attempted to usurp the property and he had also trespassed into the property and sent a whatsapp message to his relatives stating that the property has been handed over to him by his father. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the defacto complainant is the mother of the petitioner and the petitioner's father had handed over the business to him, whereas at the instigation of his siblings a false complaint

has been given by the defacto complainant. 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 is the son of the defacto complainant and by fabricating documents had attempted to usurp the property which belongs to all the legal heirs of his father and he had also sent a whatsapp message to his relatives stating that the property belongs to him. 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 District Munsif cum Judicial Magistrate, Vedaraniyam, Nagapattinam district 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

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

TO

1 THE DISTRICT AND SESSIONS
JUDGE, NAGAPATTINAM

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANIYAM,
NAGAPATTINAM DISTRICT

3 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE, सत्यमेव जयते
VEDARANIYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S. D. VAIRAMOORTHY Advocate on payment of
necessary charges

CRL OP.10250/2020

Date : 08/07/2020

GKS (CS) : 12/08/2020