

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.11375 of 2020

L.Kaveriammal

... Petitioner

Vs.

The State Represented by, ...Respondent
The Inspector of Police, (Crime)
DCB Ariyalur,
Ariyalur District.
Crime No.9 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.9 of 2020 pending on the file of the respondent police.

For Petitioner : Ms. S. Karthiyayini senthilvel

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 420, 464, 465, 468, 471 and 166A of IPC in Crime No.9 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Ashokan is that he is the owner of the property in Survey No.353 - 800.0200 situated at Jeyankondam Village. He had got the property through a Will executed by his senior paternal uncle. While so, A4 in collusion with A1 to A3, by fabrication of documents, fraudulently obtained Patta in her name and thereby committed the offence. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner and the defacto complainant are close relatives and the alleged property belongs to the father of the petitioner. While so, the defacto complainant who was earlier in the judicial service, had attempted to knock down the property illegally and that there was a dispute between them in respect of the same. While so, the defacto complainant had given a complaint before the Judicial Magistrate based on which, a direction has been issued to the respondent police to register the case. He would submit that the petitioner is aged about 70 years and that a case of civil in nature has been falsely projected as a case of criminal nature. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner who is arrayed as A4 in this case, in collusion with the Government officials, has obtained Patta in respect of certain property belong to the defacto complainant by using fabricated documents. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance, within a period of (15) fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Jeyankondam, Ariyalur District 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 report before the respondent police every day at 10.30 a.m., for a period of one week 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 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.

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

-sd/-

07/08/2020

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.I,
JEYANKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DCB ARIYALUR,
ARIYALUR DISTRICT.

CC to M/S. S.KARTHIYAYINI SENTHILVEL Advocate on payment of
necessary charges

CRL OP.11375/2020

Date :07/08/2020

TA-21/08/2020