

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11780 of 2020

and

M.P.No.5293 of 2020

1.Backiyaraj

2.Murugan

3.Vetri @ Vetriselvan

... Petitioners

Vs.

State rep. by its  
CCB-Team 16A, ALGSC  
Vepery, Chennai-600 007.  
Crime No.48 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.48 of 2020 on the file of the respondent police.

For Petitioners : Mr.T. Arul

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

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 419, 465, 467, 468, 471 and 120B of IPC in Crime No.48 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that one Sigappy is owning two lands Plot No.78 and 78A and the defacto complainant is a lessee for the plot no.78. The first petitioner herein who was arrayed as A4 approached the defacto complainant and impersonated himself that he is holding power of attorney for the plot No.78A and prepared fabricated documents and executed a forged sale deed No.1158 of 2014. Based on the same the defacto complainant also purchased the property. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the second and third petitioners are friends of the first petitioner and they stood as witness in the fabricated documents. He would further submit that they are ready to abide by any stringent conditions to be imposed by this Court. Hence, he prays for grant of anticipatory bail to the second and third petitioners.

4. The learned Additional Public Prosecutor submitted that the first petitioner/A4 along with other accused persons prepared fabricated documents for the plot No.78A and subsequently sold the same to the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that the first petitioner is a main culprit in this case as he is well aware of the fact that the document is a forged one. However, he vehemently opposed to grant bail to all the petitioners.

6. Considering the facts and circumstances of the case and the custodial interrogation of the first petitioner is required in the case, this Court is not inclined to grant anticipatory bail to the first petitioner and accordingly this CrI.O.P is dismissed in respect of the first petitioner. Insofar as the second and third petitioners are concerned, this Court is inclined to grant anticipatory bail with the following conditions.

6. Accordingly, the second and third petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the copy of this order is made ready, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Chief Metropolitan Magistrate Court Egmore, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second and third 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 second and third petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the second and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the second and third 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 second and third 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

29/09/2020

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 CHIEF METROPOLITAN  
MAGISTRATE COURT, EGMORE,  
CHENNAI

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE  
CCB-TEAM 16A, ALGSC, VEPERY,  
CHENNAI-7.

CC to M/S. T.ARUL Advocate on payment of necessary charges

WEB COPY  
Crl.O.P.No.11780 of 2020  
and  
M.P.No.5293 of 2020

Date :29/09/2020

RVR 21/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>