

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12473 of 2020

M.Sivanesan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
District Crime Branch.
(Crime No.9/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent in Crime No.9 of 2020 pending investigation.

For petitioner : Mr. K.V.Muthu Visakan

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 apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 120B,
420, 464, 465, 468, 471 and 166(A) 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 de facto 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. Learned counsel for the petitioner would submit that the
petitioner is Sub-Registrar of Jayamkondan and as statutory authority
he had registered the document which was presented by the parties
for registration and other than that he has nothing to do with the
case. He would further submit that it is the dispute between family
members and the petitioner has been unnecessarily dragged into it.
Hence he seeks anticipatory bail.

4. Learned Additional Public Prosecutor would submit that the
petitioner along with other accused had colluded the documents and
granted patta to A4. He further submitted that co-accused A4 was
granted anticipatory bail. However, he opposed to grant anticipatory
bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the co-accused was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a]. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Jayamkondam, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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:

[b] 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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation, until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-

27/08/2020

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, JAYAMKONDAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

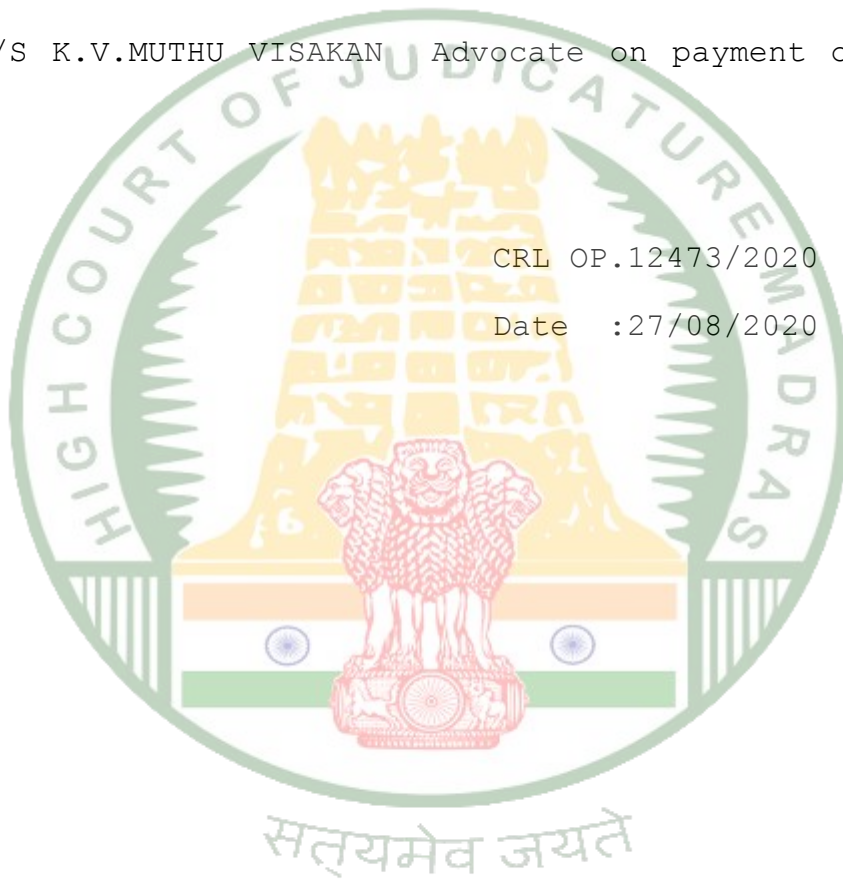
3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ARIYALUR

CC to M/S K.V.MUTHU VISAKAN Advocate on payment of necessary
charges

CRL OP.12473/2020

Date :27/08/2020

RVR 22/09/2020



WEB COPY