

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

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

Cr1.O.P.No.13433 of 2020

K.Anandavel

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
District Crime Branch (ALGSC),
Ariyalur District.
(Crime No.9 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioner, in the event of his arrest in Crime No.9 of 2020, on the file of the respondent police, District Crime Branch (ALGSC), Ariyalur District.

For Petitioner : Mr.R.Subramaniyan

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

O R D E R

(The 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 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 the Zonal Deputy Tahsildar and he called the parties for enquiry and passed order to maintain the prior standing position in the revenue records and advised the parties to approach Civil

Court and sort out the issue before claiming patta in their favour 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 is an innocent person and he has been falsely implicated in this case. Hence he seeks anticipatory bail.

4. Learned Additional Public Prosecutor would submit that the petitioner along with other accused had colluded and based on fabricated documents granted patta to A4. He further submitted that co-accused was also 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.

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

-sd/-
01/09/2020

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 JUDICIAL MAGISTRATE,
NO.I, JAYAMKONDAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (ALGSC),
ARIYALUR DISTRICT.

CC to M/S.R.SUBRAMANIYAN Advocate on payment of necessary charges

CRL OP.13433/2020

cs 18/09/2020

Date :01/09/2020

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