

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14050 of 2020

Sekar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
District Crime Branch Police Station,
Namakkal,
Namakkal District.

... Respondent

Prayer:Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.137 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.M.MohamedRiyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 82(a) , 82(b), 82 (d), 83 of Registration Act 1908 , 465, 468, 471 and 420 of IPC in Crime No.137 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant the Sub Registrar, Namakkal is that the petitioner along with other accused impersonated the defacto complainant and executed a power of attorney in favour of one Mr.K.R.Sivanantham . Thereafter, based on the fake power of attorney, sold the properties to various persons. Hence the

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He further submitted and a false case has been foisted against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public prosecutor submitted that the petitioner along with other accused impersonated the original owner of the property namely Chelladurai and executed a power of attorney in favour of one Mr.K.R.Sivanantham and based on which, sold the property to various persons. He further submitted that the investigation has been completed and final report has been filed.

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. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before **the learned Judicial Magistrate, Needamangalam**, 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.**

[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 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.

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

-sd/-
10/09/2020

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,
NEEDAMANGALAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
NAMAKKAL, NAMAKKAL DISTRICT.

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

CRL OP.14050/2020

Date :10/09/2020

MK:22/09/2020