

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.14123 of 2020

Muruganantham

S/o.Sriramalu

... Petitioner

Vs.

The State Represented by,  
The Inspector of Police,  
District Crime Branch, (Land Grabbing Cell),  
Tiruvallur District,  
Crime No.19 of 2017.

...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 Crime  
No.19 of 2017 pending on the file of the respondent police.

For Petitioner :Mr.R.Suresh Kumar

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 420, 465, 468 and 471 of IPC in Crime No.19 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Viz.,Subash Chandran is that by furnishing fabricated documents, the petitioner along with other accused mutated the revenue records. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that he was a document writer and he had prepared the documents only based on the documents furnished by the A1 and A2 other than that he has not committed any offence as alleged by the prosecution and that he has no connection with other accused. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that it is the case of the year 2017 and the investigation has been completed and the charge sheet has been filed before the learned Judicial Magistrate No-II, Ponneri. He would further submit that the petitioner along with other accused has mutated the revenue records by furnishing 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, 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 No.I, Ponneri, 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 appear before the learned Judicial Magistrate No.I, Ponneri, daily at 10.30 a.m. for a period of 15 days and thereafter on first working day of every month, until further orders

[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.

8.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,  
NO.I, PONNERI

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE STATE REPRESENTED BY  
INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
(LAND GRABBING CELL),  
THIRUVALLUR DISTRICT.

+1 CC to M/S R.SURESH KUMAR Advocate on payment of necessary charges sr 6216

CRL OP.14123/2020

Date :10/09/2020

RD 18/09/2020