

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14272 of 2020

K.Ilamurugan,
C/o.Karuppannan

...Petitioner

Vs.

State
The Inspector of Police,
District Crime Branch,
Namakkal District.
(Crime No.3 of 2019)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of their arrest in the Crime No.3 of 2020 pending on the file of the respondent.

For Petitioner : M/s.W.Camyles Gandhi

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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 82(a), 82(b), 82(d), 83 of Registration Act, 1908 and Sections 465, 468, 471 and 420 of IPC.

2. The case of the prosecution as per the defacto complainant one Geetha is that the petitioner conspiring with the other accused by fabrication of documents and impersonation grabbed the property belonging to one late Celladurai, a citizen of Malaysia.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and has been falsely implicated in this case. The allegation against the petitioner is that he conspired with the other accused. He would further submit that the co-accused have been granted anticipatory bail by this Court in Cr1.OP.14050 of 2020 dated 10.09.2020. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed by stating that the petitioner along with the other accused joined together, fabricated the documents and grabbed the property belonging to one late Chelladurai who was residing at Malaysia. He would further submit that the investigation has been completed and final report has been filed before the Judicial Magistrate-I, Namakkal and the case was taken on file.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered 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 Court's normal functioning whichever is earlier,, before the learned Judicial Magistrate - I, Namakkal, on condition that each 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, before the Judicial Magistrate -I, Namakkal on the first working day of every month at 10.30 a.m., 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

14/09/2020

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, NAMAKKAL

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges sr no.6249

CRL OP.14272/2020

Date :14/09/2020

RD 21/09/2020

सत्यमेव जयते

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