

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14340 of 2020

and

CrI.M.P.No.5897 of 2020

Sasikumar

... Petitioner/Accused
(Rank not known)

Vs.

The State represented by,
The Inspector of Police,
Karumandurai Police Station,
Salem District.

[Crime No. 181 of 2020]

... Respondent/Complainant

Common Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 181 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

For Intervener : Mr.S.Nagarajan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

COMMON ORDER

(The case has been heard through video conference)

On earlier occasion, Mr.R.Sankarasubbu, learned counsel appearing for the petitioner sought permission of this Court to withdraw this petition. However, it was represented by the learned Additional Public Prosecutor and learned Counsel for the intervener that the petitioner had produced forged documents before this Court to mislead the Court. Further a Status report was also filed before this Court by the Investigating Officer and it was stated that the certificate of possession at page 38 of the typeset, filed by the petitioner was a fabricated and forged document.

2. On earlier occasion, the learned counsel for the petitioner Mr.Sankarasubbu, on 04.11.2020 submitted that believing certain documents given by the petitioner to be true, he had filed it in the typed set of papers and later coming to know that the documents is not genuine had expressed his apology for having wasted the time of the Court and he also sought permission to withdraw the petition. The learned counsel also submitted that necessary affidavit will be filed by the petitioner/accused expressing his remorse and apology.

3. Today, the petitioner has filed notarised affidavit wherein, he has stated that on the ill-advice of the relatives, Village Administrative Officer certificate dated 01.09.2020 has been filed to show the possession of his relatives on the subject land. He also further stated that the respondent has registered a case under Section 420 and 468 IPC. The apology of the counsel for the petitioner and the affidavit of apology filed by the petitioner/accused is taken on record.

4. The petitioner is permitted to withdraw the petition, however it is made clear that the affidavit of the petitioner dated 14.12.2020 is taken on record only for the purpose of withdrawal of the present anticipatory bail petition and it does not absolve the petitioner from further action. The respondent is at liberty to proceed against the petitioner further in accordance with law.

5. Accordingly, this Criminal original petition stands dismissed as withdrawn and consequently, connected miscellaneous petition is closed.

6. This Court directs the Registrar (Judicial), High Court, Madras to keep the affidavit filed by the petitioner dated 14.12.2020 and the typedset in a sealed cover and to keep the entire case bundle in safe custody.

-sd/-
15/12/2020

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 INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO:
THE REGISTRAR (JUDICIAL)
HIGH COURT, MADRAS.

+1CC to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges SR NO.8229

+1CC to M/S.S.Nagarajan Advocate on payment of necessary
charges SR NO.8235

CRL.OP.NO.14340/2020
& CRL.MP.NO.5897/2020

Date :15/12/2020

MK:28/12/2020