

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.15662 of 2020

R.Nagarajan

... Petitioner

Vs.

The State represented by
The Inspector of police,
Tiruppur Central Police Station,
Tiruppur City.
Crime No.898 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.898 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 420, 465, 468 and 471 of IPC in Crime No.898 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Muthukannan, who is the Sub-Registrar is that the petitioner had approached the office of the Sub-Registrar for registration and at that time, the petitioner had furnished a non-traceable certificate as if issued by Tiruppur Central Police Station. The Sub-registrar entertaining doubts, had referred it to the Police Station and later it was found that it was a fabricated document.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is the owner of a house site to one extent 4.5 cents, in Survey No.230 in Tiruppur Town, Ward No.28, Kangeyam Road, KNP lay out, Door No.1/1 and that the property was purchased by virtue of

registered document No.2513/1959 and the above document was misplaced by the petitioner on 22.02.2020. While so, the adjacent land owner one Mr.Zhakir Hussain wanted to purchase the property and he was aware that the petitioner is the adjacent owner of the property and that he was also aware of the missing of the original document. Since the original document was not available, the petitioner had issued a paper publication on 28.02.2020 and the petitioner had approached the respondent police on 29.02.2020 and on that day, one Kalimuthu, Special Sub-Inspector of Police was available in the Police Station and the complaint was given to him. The said Kalimuthu had demanded money for expenses and the petitioner had paid an amount of Rs.15,000/- to him and thereafter, the said Kalimuthu, SSI, had issued a non-traceable certificate on 15.03.2020. Subsequently, placing reliance on the non-traceable certificate, the petitioner had registered the Sale Deed in favour of the said Zhakir Hussain on 10.08.2020 by document No. 2973/2020. He would further submit that the petitioner is the owner of the property, he has not cheated anybody and that he had believed the non-traceable certificate issued by Kalimuthu, SSI to be true.

4 The learned counsel appearing for the petitioner would further submit that the petitioner has also filed an affidavit before this Court stating what all the transpired between the petitioner and Mr. Kalimuthu, SSI, attached to the respondent police station and he would seek for grant of Anticipatory Bail.

5 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had approached the Sub-Registrar's Office for registering document since, the original document was not available, he had furnished a non-traceable certificate as if issued by the respondent police station. The defacto complainant/SRO entertaining doubt, had referred the non-traceable certificate for verification to the respondent police Station and there it was found that the non-traceable certificate was a fabricated document, which was not issued by the respondent police.

6 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is an innocent and immediately coming to know that a fabricated non-traceable certificate was issued by the said Kalimuthu, SSI, the petitioner had sent a complaint to the Chief Minister's Special Cell and copies were sent to various higher authorities on 25.09.2020.

7 Heard both the learned counsels and perused the materials placed on record and also the affidavit of the petitioner.

8 Taking into consideration the facts and circumstances of this case and also considering the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

9 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Tiruppur 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., 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 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 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.

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

-sd/-

16/10/2020

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.II, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPPUR CITY.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

CRL OP.15662/2020

Date :16/10/2020

cs 23/10/2020



WEB COPY