

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.15793 of 2020

1.Vanithakumar (M/56)
Son of Nallaiyagounder

2.P.N.Uthayakumar (M/61)
Son of Nalliah

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
District Crime Branch
Namakkal District.
(Crime No.3 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.3 of 2020 on the file of the respondent police.

For Petitioners : Mr.Deepan Uday

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 82(a),82(b), 82(d), 83 of Registration Act 1908 r/w 465, 468, 471 and 420 of IPC, in Crime No.3 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Geetha is that the petitioners conspiring with the other accused, by fabrication of documents and impersonation, grabbed the property belonging to one late Chelladurai, a citizen of Malaysia. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. The allegation against the petitioners is that they conspired with the other accused. He would further submit that the similarly placed co-accused have been granted anticipatory bail by this Court in Crl.O.P No.14050 of 2020 dated 10.09.2020 and Crl.O.P No.14272 of 2020 dated 14.09.2020. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed by stating that the petitioners 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 No.I, Namakkal and the case has been taken on file.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.I, Namakkal**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, before the Judicial

A.D.JAGADISH CHANDIRA,J.

uma
Magistrate No.I, Namakkal on the first working day of every month at
10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness
either during investigation or trial.

[e] the petitioners shall not abscond either during investigation
or trial.

[f] On breach of any of the aforesaid conditions, the learned
Magistrate/Trial Court is entitled to take appropriate action against the
petitioners 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be
registered under Section 229A IPC.

With the above direction, this Criminal Original Petition is
ordered.

07.10.2020

Index: Yes/No.

Internet/Yes/No

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To

1.The Judicial Magistrate No.I, Namakkal

2.The Inspector of Police

District Crime Branch

Namakkal District.

3. The Public Prosecutor

High Court of Madras.

Crl.O.P.No.15793 of 2020