

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 16107 of 2020

1.R.Vijayaraj

2.T.Murugesu Pandiyan

... Petitioners/Accused Nos.3 & 4

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch,
Krishnagiri.

Crime No. 4 of 2017

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No. 4 of 2017, on the file of the respondent police.

For Petitioners : Mr.J.Pradeep

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468, 294(b) and 506(ii) of IPC, in Crime No. 4 of 2017, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Janagiraman, is that he had executed a power of attorney in favour of one Senthil Kumar/1st Accused, based on that, the first accused has fabricated the sale deed in favour of A1 and A2 as if the defacto complainant had executed a sale deed for a sum of Rs.50,00,000/- in favour of them. The petitioners who are arrayed as A3 and A4, have stood as witnesses in the fabricated sale receipt. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the allegations against the petitioners is that they have signed as witnesses in the fabricated sale receipt which was executed in favour of A1 and A2. He would submit that A1 and A2 have been arrested and they have been enlarged on bail and that the case relates to the year 2017. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have stood as witness to the fabricated sale deed as if the defacto complainant had executed a sale deed for sum of Rs.50,00,000/-, in favour of A1 & A2. He would submit that A1 and A2 have been arrested and they have been enlarged on bail. He would further submit that the case related to the year 2017 and that the investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioners.

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

6 Accordingly, the petitioners are directed to be released on bail in the event of their 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, Krishnagiri, on condition that each petitioner shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, every Monday and Friday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 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].

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

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

-sd/-
12/10/2020

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.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KRISHNAGIRI.

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

CRL OP.16107/2020

Date :12/10/2020

cs 22/10/2020