

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17219 of 2020

1.K.Selvam
2.Santhi

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore District.
(Crime No.690 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime. No.690 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Karuppaiya Mooppanar

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

O R D E R

(This Case has been heard through Video Conferencing)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 353, 323, 420, 465, 467 & 506(ii) of IPC in Crime No.690 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant one Sujatha, is that one Shanthi W/o. Selvam had purchased property from one Shanthi W/o. Dhanasekar and hence, that the property was occupied by one Gunasekaran and the said Shanthi had approached the defacto complainant with the complaint along with the copies of the document. The defacto complainant had been given one unregistered certificate. On a perusal, it was found that it is a fabricated one and when the defacto complainant had enquired the said Shanthi, the other accused, who had come along with her, had informed that the fabricated document was made

by one Balasubramanian, who is a reporter and when the defacto complainant had further questioned, the accused abused her with filthy language and attempted to assault her .

3. The learned counsel for the petitioner would submit that the first and second petitioners are husband and wife and they have not committed any offence as alleged by the prosecution. He would further submit that the co-accused have been granted anticipatory bail by this Court in CrI.O.P.Nos.15015 and 15970 of 2020 dated 14.10.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners and along with other other accused persons have created fake CSR and NOC. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Heard the counsels and perused the FIR is available on record.

7. 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 (15) days from the date on which the copy of the order is made ready before the learned Judicial Magistrate, Neyveli, Cuddalore District on condition that the petitioners 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:

[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., 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.

6. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
03/11/2020

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,
NEYVELI, CUDDALORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MANDHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.K.KARUPPAIYA MOOPPANAR Advocate on payment of
necessary charges

CRL OP.17219/2020

Date :03/11/2020

RVR(GKS) :23/11/2020