

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.33163 of 2019

AND CRL.MP.NO.24 OF 2020

K.K.SADANDHAM

[PETITIONER / ACCUSED]

Vs

THE STATE BY

[RESPONDENT]

CENTRAL CRIME BRANCH,
CHENNAI.

CR.NO/99/2019

For Petitioner : M/S.M.PRAKASH Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

For Intervener : D.JAYACHANDRAS Advocate

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of respondent for the alleged offences under Sections 420, 423, 424, 468, 471, 447 and 506(ii) of IPC on the complaint given by the Intervener in Cr.No.99 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner fabricated and created false documents and transferred the property belonging to Dhanasekari Ammal fraudulently, the petitioner was helped by the authorities of the Revenue Department by producing false and bogus documents. The first respondent of said Dhanasekari Ammal lodged a police complaint on 10.07.2017 based on which the police complaint was registered in Cr.No.99 of 2019 on 21.06.2019 for the above mentioned offences.

3.The learned counsel for the petitioner submitted that the legal heirs of the deceased Dhanasekari Ammal themselves created forged documents and sold their portion of the property belonging to the petitioner also. The learned counsel would submit that a civil suit was filed in O.S.No.38 of 2003 on the file of the Sub Court, Poonthamalli and an exparte order was passed in favour of the defacto complainant, thereafter an appeal was filed before the Additional District Judge, Poonthamalle and the same was taken on file in

A.S.No.23 of 2015 and the same is pending.

4.Crl.MP.No.24 of 2019 was filed by the defacto complainant, seeking to intervene in the present petition for grant of anticipatory bail application.

5.I have heard the learned counsel for the intervener and satisfied with the averments mentioned in the affidavit filed in support of the petition, the petition to intervener is allowed.

6. The learned counsel for the intervener did not seriously dispute that the submission of the learned counsel for the petitioner with regard to the pendency of the civil suit between the parties.

7.The learned Additional Public Prosecutor submitted that the investigation is pending.

8. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following condition :

[a] 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:

[b] 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.

[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/Trial Court 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/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.

-sd/-

27/01/2020

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 ADDITIONAL DISTRICT JUDGE
POONTHAMALLE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

4 THE STATE BY
CENTRAL CRIME BRANCH, CHENNAI.

+1 CC to M/S.M.PRAKASH Advocate on payment of necessary charges
SR.NO. 1733

CRL OP.33163/2019

सत्यमेव जयते AND CRL.MP.NO.24 OF 2020

Date :27/01/2020

RD 30/01/2020

WEB COPY