

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1350 of 2021

NANDHAKUMAR

[ PETITIONER / ACCUSED ]

Vs

STATE REP.BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH POLICE STATION,  
THIRUVALLUR DISTRICT.  
CR.NO.23 OF 2020.

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 417, 420 and 506 (ii) of IPC , on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A-1, who is the father of the petitioner, approached the defacto complainant for the purpose of selling a a portion of the land in order to buy a harvesting machine for his agriculture purpose. The defacto complainant, therefore, entered into the sale agreement and paid advance amount of Rs.3,00,000/- to the petitioner's father/A1. However, the petitioner's father/A-1, without giving any information to the defacto complainant executed a settlement deed in favour of the petitioner's mother. Regarding the same, there was a wordy quarrel between them. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the alleged occurrence took place in the year 2008. The defacto complainant has given the complaint only on 09.11.2020. Based on the said complaint, the petitioner's father was

arrested and enlarged on bail by the lower court and A2 has been granted anticipatory bail by this Court in CrI.OP.No.19929 of 2020 dated 22.12.2020. Hence he prays for grant of anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking into consideration the fact that the alleged incident had taken place in the year 2008 and the complaint has been given only in the year 2020 and also considering the further fact that A-1 and A-2 have been granted bail and anticipatory bail respectively by the trial court as well as this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I Ponneri 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 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 Court concerned 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 as and when required for interrogation;

(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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-  
08/04/2021

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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH POLICE STATION,  
THIRUVALLUR DISTRICT.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges  
SR.No.4603

सत्यमेव जयते

CRL OP.1350/2021

Date :08/04/2021

cs 16/04/2021

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