

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.1824 of 2021

1.Srinivasan
2.Karthik
3.Seshathiri
4.Balaji

... Petitioners/Accused Nos.1 to 4

-Vs-

State by:

The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.
(Crime No.675 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.675 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 447, 419, 465, 468, 471 and 120B of IPC, in Crime No.675 of 2020, on the file of the respondent police, seek anticipatory bail.

2. There are totally five accused in this case. The petitioners are A1 to A4. The case of the prosecution is that the petitioners/accused have colluded together and created forged documents in respect of the property and the 1st petitioner had executed general power of attorney in favour of the 2nd petitioner and based on the said general power of attorney, the 2nd petitioner sold the property to the 3rd and 4th petitioners and they got patta in their favour with the help of Village Administrative Officer on the basis of forged documents and thereafter they are attempting to trespass

the property over which the defacto complainant had right and got injunction in his favour in a suit filed by him. Hence, the present complaint.

3.The learned counsel appearing for the petitioners would submit that in respect of the suit property, already there were three civil suits pending before the District Munsif Court, Hosur, including the suit filed by the defacto complainant and while the issue is pending before the Civil Court as regards the suit property, the defacto complainant has lodged the complaint and it is a purely civil in nature. However, the defacto complainant lodged a complaint by falsely implicating the petitioners herein. He would further submit that the petitioners have not created any forged documents. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) has not refuted the submissions made by the learned counsel for the petitioners. It is not in dispute that as against the suit property there were already three suits were pending before the Civil Court including the suit filed by the defacto complainant.

5.Considering the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant anticipatory bail to the petitioners on certain conditions.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Hosur, on condition that each of 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(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]; and;

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

-sd/-

15/06/2021

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, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
BAGALUR POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MUNSIF COURT,
HOSUR

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

CRL OP.1824/2021

Date :15/06/2021

RVR 09/07/2021