

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3402 of 2021

N.Ravi

.. Petitioner/A4

Vs.

State represented by ... Respondent
Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
(Crime No.69 of 2021)

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.69 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is A4. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 120B, 420, 417, 511, 467, 468, 471 and 506(2) of IPC, in Crime No.69 of 2021 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that A1 to A3 are father, son and daughter. The petitioner/A4 is a document witter by profession. The defacto complainant and A1 to A3 executed a sale deed and the defacto complainant paid a sum of Rs.16,59,000/- to A1 to A3. At the time of registration, the Registrar refused to register the sale deed stating that the proposed sale deed includes the land belonging to Kailasanathar Temple, Alagumalai. When the defacto complainant demanded back his money A1 to A3 threatened him. Hence, the respondent police registered a case against A1 to A3 and also the petitioner as he prepared the document.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. The petitioner was only a document writer and he was not aware of the fact that the land belongs to the temple and only on the request of A1 he prepared the document. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit the petitioner was only a document writer and he has no previous case.

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

(a) 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, Palladam**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 petitioner shall appear before the respondent police as and when required for interrogation.

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioner 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 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]**.

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/02/2021

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,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVINASHIPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges SR.NO.2199

CRL OP.3402/2021

सत्यमेव जयते Date :22/02/2021

TA-25/02/2021

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