

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.6044 of 2020

Indira

... Petitioner

Vs.

The State Rep. by
Inspector of Police
DCB. Kancheepuran,
Kancheepuram,
Crime No.23 of 2019

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.23 of 2019 on the file of the respondent police.

For Petitioner : Mr.M. Deivanandam

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 419, 465, 468, 471, 420 and 34 of IPC, in Crime No.23 of 2019, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there are totally eleven accused in this case and the petitioner herein is ranked as A5. All the accused persons have entered into a criminal conspiracy and created a forged power of attorney and sold the property belonging to the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a bonafide purchaser of the property and he is not shown as an accused in the F.I.R. He would further submit that the petitioner has paid the entire sale consideration through cheques. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the investigation is completed and final report has been filed

before the concerned Court. However, he opposed to grant anticipatory bail to the petitioner.

5.Considering the fact that the petitioner is a bonafide purchaser and he has paid the entire sale consideration through cheques, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate - I, Chengalpattu, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE-I,
CHENGALPATU.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

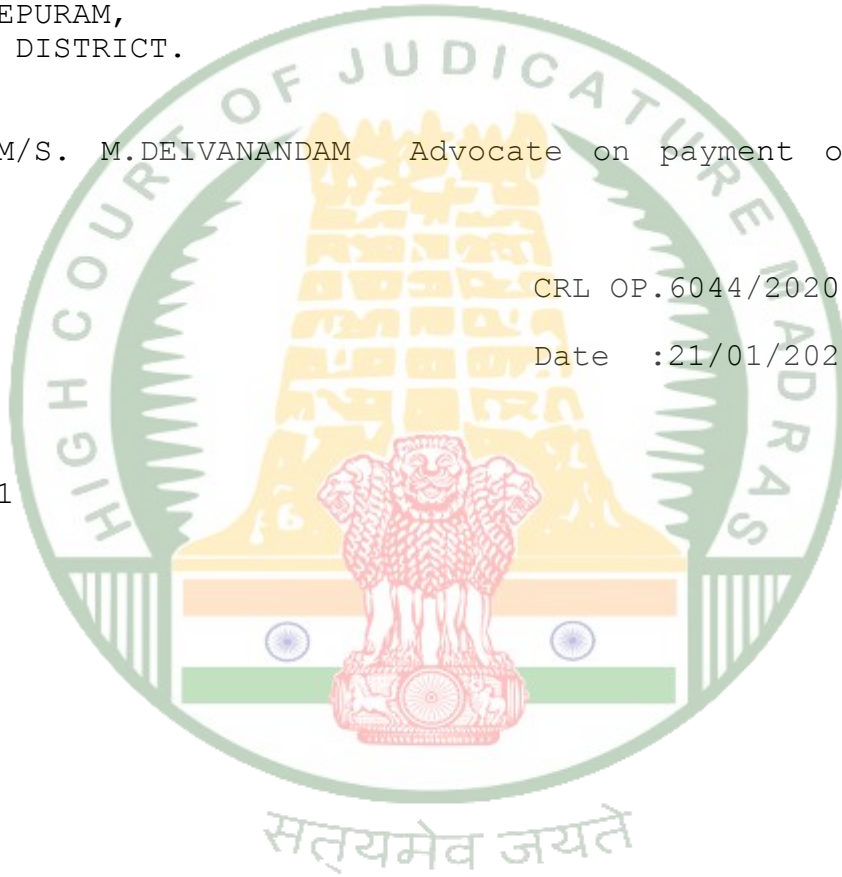
4 THE INSPECTOR OF POLICE,
D.C.B KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

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

CRL OP.6044/2020

Date :21/01/2021

MN-01/02/2021



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