

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5515 of 2021

INBAMATHIVATHANAN

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PUZHAI POLICE STATION,
TIRUVALLUR DISTRICT.
CR.NO.60 OF 2021.

For Petitioner : M/S. A.MURUGAVEL Advocate

For Respondent : M/S.KRITIKA KAMAL P. Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 420 and 506(i) IPC in Crime No.60 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with few others forged the documents and received a sum of Rs.11 Lakhs from the defacto complainant at the Registrar Office for registration of a property. Later, the defacto complainant came to know that the property does not belong to the petitioner and he has been cheated. When he asked to return the money, neither the petitioner returned nor registered the document. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that it is A3, who received the amount and she is ready and willing to pay a sum of Rs.11 Lakhs to the defacto complainant on or before 01.06.2021. Hence, he sought for grant of anticipatory bail to the petitioner.

4.The counsel appearing for the intervenor has no serious objection, if the said amount is returned.

5.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that there are totally five accused persons and the petitioner is arrayed as A5. A3 has received an amount of Rs.11 Lakhs directly from the defacto complainant and this petitioner has arranged for impersonator and cheated the petitioner. She further submitted that the petitioner has involved in three previous cases of similar nature. Hence, she vehemently opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and also of the fact that A3 is ready and willing to pay a sum of Rs.11 Lakhs directly to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 **District Munsif cum Judicial Magistrate, Madhavaram**, 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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/-
15/04/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PUZHAI POLICE STATION,
TIRUVALLUR DISTRICT.

+1 CC to M/S. A.MURUGAVEL Advocate on payment of necessary
charges SR.NO.4878

CRL OP.5515/2021

Date :15/04/2021

TA-19/04/2021

WEB COPY