

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirty First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6426 of 2021

1 RAJESH
2 RAJKAMAL

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH POLICE STATION,
ALGSC-II, VEPPERY,
CHENNAI.

CRIME NO.80 OF 2020.

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence under Sections 419, 465, 468, 471 r/w 34 of I.P.C in Crime No.80 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are 3 accused in this case and the petitioner herein are A3 and A4. The allegation is that the property originally belongs to defacto complainant and the petitioners herein along with other accused created bogus documents and sold the property to third parties. So far as these petitioners are concerned they are only witnesses of the deed. Hence, the complaint.

3. The learned counsel for the petitioners would submit that they have not created the bogus documents and the petitioners are only witnesses of the deed. He would further submit that already a notice has been issued to the petitioners under Section 41A of Cr.P.C, the petitioners also appeared before the respondent police and the respondent police also recorded the statements. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused said to have entered into a criminal conspiracy and created bogus documents and sold the property belonging to the defacto complainant to some third party. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the petitioners are only witnesses of the sale deed and the petitioners also appeared before the respondent police for an enquiry, this court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Ambattur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent Police 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 petitioner 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].

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

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

-sd/-
31/03/2021

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH POLICE STATION,
ALGSC-II, VEPPERY,
CHENNAI.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO.4329

CRL OP.6426/2021

Date :31/03/2021

MK:15/04/2021

WEB COPY