

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.6802 of 2021

1 SUBRAMANIYAN
2 KOLANJI

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
THIYADADURUGAM POLICE STATION,
KALLAKURICHI AND DISTRICT.
CR.NO.1501/2021

For Petitioner : M/S.V.GUNASEKAR Advocate

For Respondent : M/S P.KARITIKA KAMAL, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 423, 467, 468 and 471 of IPC in Crime No.1501 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacti complainant holds the case property. But the petitioners have joined together and created a forged document and executed a sale deed in favour of the second petitioner. Therefore, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, the respondent police registered a case against the petitioner and other accused person.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as stated by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that during the pendency of the appeal, the sale deed was cancelled by the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioners.

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, Kallakurichi, 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 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 first petitioner shall report before the respondent police everyday at 10.30 AM for a period of two weeks and thereafter, as and when required for interrogation and the second petitioner shall report before the respondent 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 JUDICIAL MAGISTRATE,
NO.I,KALLAKURICHI

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIYADADURUGAM POLICE STATION,
KALLAKURICHI,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.6802/2021

Date :15/04/2021

RVR 10/05/2021



WEB COPY