

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Cr1.O.P. No.8650 of 2021

Sampathraj

Petitioner/Accused Rank Not Known

Vs.

The State Represented by,
The Inspector of Police,
DCB Police Station,
Thiruvallur District. ... Respondent / Complainant
[Crime No.1 of 2021]

Prayer: Criminal Original Petition filed for anticipatory bail under
Section 438 of Criminal Procedure Code.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate,
Criminal Side

O R D E R

(The matter is heard through "Video Conferencing/Hybrid mode")

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 417,
419, 420, 468 & 471 of IPC in Crime No.1 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that the defacto complainant
had purchased a house site of an extent 1240 Sq.ft situated in
Perumal Pattu Village, Thiruvallur Taluk and District by way of
Registered Deed of sale bearing Document No.1197/2009 dated
16.02.2009 registered in the Office of the Sub Registrar,
Thiruvallur. Later he came to know that one Omprakash had created
Bogus ID and using the same, he impersonated and conveyed the vacant
side of the defacto complainant and was performing Boomi Pooja in his
land. The petitioner is only a Document Writer and he is no way
connected with the fraudulent sale effected by Accused No.1 in favour
of another person. He is not having any bad antecedent and he is the
only earning source of his family. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is Accused No.4 and he is only a Document Writer. He would further submit that Accused No.1 has been arrested and was released on bail and the petitioner is a law abiding citizen and hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent/Police would submit that the petitioner is Accused No.4 and Accused No.1 was arrested and released on bail. The petitioner along with the co-accused joined together and created Bogus ID and using the same, they impersonated and conveyed the vacant site of the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the above facts and circumstances and the fact that the main accused (A1) has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on 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 learned Judicial Magistrate-II, Thiruvallur, 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, the petition for anticipatory bail shall stand dismissed 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 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 for a period of two weeks at 10.30 A.M. and as and when required for investigation as and when required.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/05/2021

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.II, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges Sr.5822

CRL OP.8650/2021

Date :05/05/2021

RVR 12/05/2021

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