

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.10194 of 2021

1. K.Anbazhagan
2. A.Pushpalatha
3. K.Marimuthu
4. B.Thirumoorthi

... Petitioners

vs.

State Rep by,
The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.
(Crime No.1665 of 2020)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.1665 of 2020 on the file of the respondent.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506 (ii), 471, 420, 468, 120B of IPC and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003. in Crime No.1665 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, the first petitioner advance a loan to the defacto complainant to the tune of Rs.35,000/- and had obtained their property document as surety. Thereafter, the defacto complainant left the village and stayed with her daughters. Taking advantage of the same, the accused persons impersonated and created forged document for the said property and executed a sale deed in favour of A3. When the defacto complainant came to her native place, she came to know that their property has been grabbed by the petitioners herein. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and the main accused is A2, who was arrested and released on bail by the lower Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

5.Considering the facts and circumstances of the case and the co-accused has already been released on bail by this Court and there is no previous case, 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, Tiruchengode, on condition that each of 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 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(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 petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/06/2021

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,
TIRUCHENGODE

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
TIRUCHENGODU TOWN POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10194/2021

सत्यमेव जयते Date : 15/06/2021

RVR 09/07/2021

WEB COPY