

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.OP.No.9174 of 2021

A.Ravichandran

... Petitioner

Vs.

State rep.by
The Inspector of Police
District Crime Branch,
Dharmapuri.
Crime No.9 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.9 of 2021 on the file of the Inspector of Police, District Crime Branch, Dharmapuri.

For Petitioner : Mr.G.Selvaraj

For Respondent : Mr.A.Damodaran
Government Advocate (Cr1.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 466 and 471 of IPC in Crime No.9 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complaint one Napoleon gave a complaint against the petitioner/accused, with regard to creation of fake documents over his property, for which the civil suit also pending in O.S.No.283 of 2018 before the Sub-Court, Harur, Dharmapuri District. The matter is still pending at the stage of trial. During the pendency of the suit, an FIR came to be registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence.

4. The learned Government Advocate(Crl.Side) submitted that this is a property dispute between the petitioner and the defacto complainant. The learned counsel further submitted that the petitioner, who is none other the brother-in-law of the defacto complainant and there is no previous case pending against this petitioner.

5. Taking into consideration of the facts and circumstances of this case and also of the fact the dispute involved is a property dispute, 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 his appearance before the learned Judicial Magistrate I, Dharmapuri District 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 weekly twice for a period of three weeks and thereafter, 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.

[f] 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]**.

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

-sd/-

26/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE SUB COURT
HARUR, DHARMAPURI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI.

3 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI.

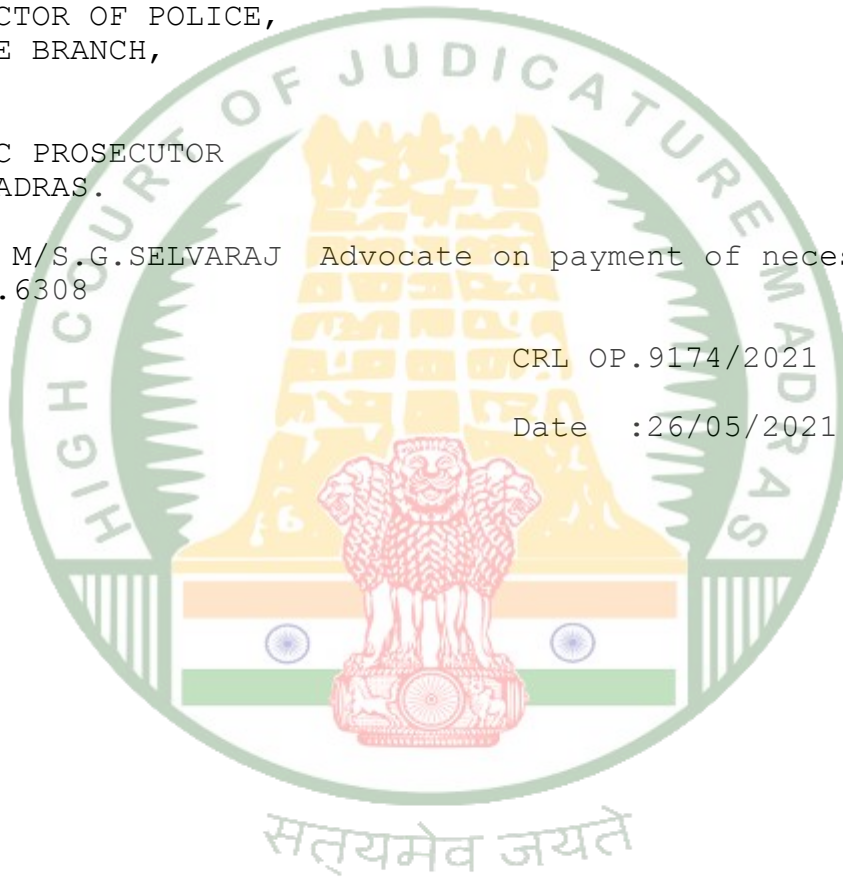
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.SELVARAJ Advocate on payment of necessary
charges SR.NO.6308

CRL OP.9174/2021

Date :26/05/2021

TA-28/06/2021



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