

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

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

Crl.O.P.No.9416 of 2021

Suresh, S/o.Kirshnamoorthy
Komal Village, Thirunellikaval Post,
Thiruthuraipoondi, Thiruvarur District. ... petitioner

Vs.

State Rep. by
The Inspector of Police,
District Crime Branch,
Thiruvarur District.
Cr.No.1 of 2021. ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.1 of 2021 on the file of the respondent police.

For petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Damodaran

Government Advocate

(Crl. side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 468, 471 and 420 of IPC, in Crime No.1 of 2021 seeks anticipatory bail.

2. According to prosecution, the petitioner created forged documents with regard to the property of the defacto complainant and also taken possession of the property, resulting in registration of the present case.

3. The learned counsel for the petitioner would submit that the defacto complainant executed an unregistered sale agreement in favour of the petitioner on 25.07.2018 and on the same day, the petitioner has paid the total sale of consideration of Rs.nine lakhs by way of a demand draft and the possession was also handed over to the petitioner and inspite of the same, the defacto complainant has not registered the sale deed in favour of the petitioner. Hence, the petitioner has filed a suit for

Specific Performance in O.S.No.190 of 2019 before the Sub Court, Mannarkudi and the said suit is pending for trail. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner, having created forged documents with regard to the property of the defacto complainant and is in possession of the property and hence, objected for grant of anticipatory bail to the petitioner.

5. Considering the fact that the civil suit is pending between the parties and as there is no possibility of the abscondance of the petitioner and taking note of the nature of the claim between the parties, inspite of the objections raised by the prosecution, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the

learned Judicial Magistrate, Thiruvavarur, 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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]**.

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

26.05.2021

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

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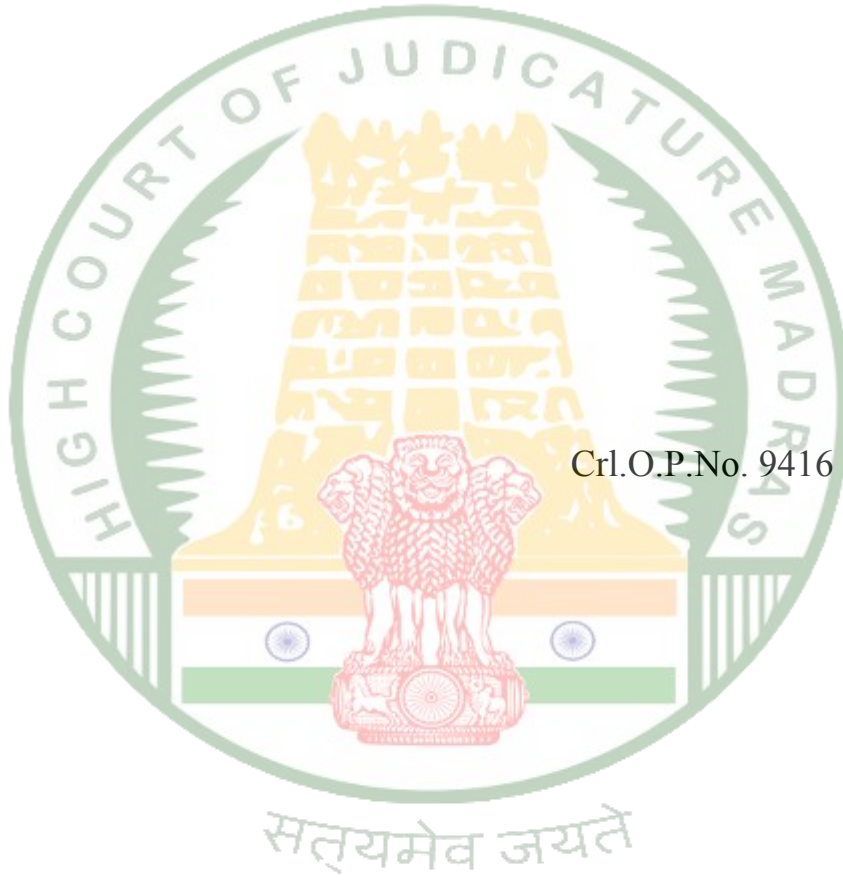
To

1. The Judicial Magistrate,
Thiruvarur.
2. The Inspector of Police,
District Crime Branch,
Thiruvarur.
3. The Government Advocate (Crl.side),
Madras High Court,
Chennai.

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T.V.THAMILSELVI, J.

VTC



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