

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11354 of 2021

1. Mangammal
2. Amutha

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Dharmapuri Crime Branch,
Dharmapuri District.
Crime No.03 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioners in the event of his arrest in Cr.No.03 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Chinnasamy

For Respondent : Mr.C.E. Pratap
Government Advocate (CrI side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 of I.P.C in Cr.No.03 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have fabricated the documents and obtained the Legal heirs certificate from the Nallampalli Tahsildhar. Hence, the respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submits that they are not aware of the take legal heirs certificate and they have not committed any offence and that a false case has been foisted against them and the brother of the complainant has only obtained the legal heir certificate from Tahsildhar and there is a civil dispute between the parties. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have fabricated the documents and obtained the Legal heirs certificate from the Nallampalli Tahsildhar. Hence he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that there was a civil dispute pending between the parties, 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-II at 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 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 for a period of two weeks and thereafter as and when required for interrogation.

© 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/-
02/07/2021

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, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.S.CHINNASAMY Advocate on payment of necessary charges SR.NO.7043

CRL OP.11354/2021

Date :02/07/2021

TA-12/07/2021

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