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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12480 of 2021

P.Illanchezhiyan

...Petitioner

Versus

State Rep. By
The Inspector of Police,
District Crime Branch(DCB)Nagapattinam,
Nagapattinam District.
(Cr.No.05 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.05 of 2021 on the file of the respondent Police.

For Petitioner : Mr.B.Gandhi

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 406, 420, 465, 468 and 471 IPC in Cr.No.05 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there is a property dispute between the petitioners and the defacto complainant. The defacto complainant is the owner of the property. The accused persons creating forged documents over the property, sold it to third parties. Due to which the defacto complainant has lodged a complaint and hence, the Law Enforcing Agency has registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence,



the learned counsel prays to grant anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) submits that there is no previous case against the petitioner.

5. Considering the fact and circumstances of the case that though alienation of the property was in the year 2017, the complaint was filed, only after a lapse of about four years, in the year 2021, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.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 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 Court concerned 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. until further orders;

(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]; and;



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

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-sd/-

20/07/2021

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,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB) NAGAPATTINAM,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. B.GANDHI Advocate on payment of necessary charges

CRL OP.12480/2021

Date :20/07/2021

CSK 30/07/2021