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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.13080 and 14702 of 2020

Ruthiran ... Petitioner in Crl.O.P.No.13080 of 2020

1.Sugumaran ...Petitioners in Crl.O.P.No.14702 of 2020
2.Manickam

Vs.

State represented by its, ... Respondent
The Inspector of Police,
Arcot Town Police Station,
Vellore District.
(Crime No.628 of 2020)

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to release the petitioner on bail in the event of arrest in Crime No.628 of 2020 on the file of the respondent.

For Petitioner in : Mr. K. Venkatesan
Crl.O.P.No.13080 of 2020

For Petitioner in : Mr.S. Janarthanan
Crl.O.P.No.14702 of 2020

For Respondent in : Mr.A. Gopinath, Government Advocate
both petitions

COMMON ORDER

The petitioners in both the Criminal Original petitions apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 465, 467, 468, 419, 294(b), 323 and 506(i) of IPC, in Crime No.628 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is an aged person and living alone in his house and he did not have any relatives. The petitioners along with other accused persons had obtained thumb impression in the blank papers from the de-facto complainant and created a forged General Power of Attorney in favour of the 1st petitioner. The de-facto complainant came to know that the property originally belongs to Pachaiyappa Naicker and he died long back and before his death the said Pachaiyappa Naicker executed the



settlement deed in favour of his sister Pattammal. The petitioners along with other accused persons have created a forged deed in order to grab the property which belongs to Pattammal. Hence, the complaint.

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3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners along with other accused persons have created a forged deed in order to grab the property which belongs to Pattammal. Hence, he vehemently opposed grant of anticipatory bail to the petitioners.

5. On perusal of records it is seen that the property belongs to one Pattammal who is the sister of Pachayappain Naicker. The petitioner in Crl.O.P.13080 of 2020/Ruthuran is the son of Pachayappain Naciker, in order to grab his aunt properties the said Ruthuran entered into a criminal conspiracy with other accused created bogus documents. It is also seen that with regard to the dispute a civil suit is pending before the District Munsiff court and Sub Court, Ranipet,

6.Considering the facts and circumstances of the case and the case is of the year 2020 and there was a civil dispute pending between the parties, , this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Arcot, Vellore District, 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. 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/-
14/06/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ARCOT, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ARCOT TOWN POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.14702 & 13080/2020

Date :14/06/2021

TA-23/07/2021