



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15454 of 2021

T.SARAVANAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.
CRIME NO.04/2020.

[RESPONDENT]

For Petitioner : M/S.B.SHARMILA Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections **120B, 419, 420, 465, 468 and 471 of I.P.C in Cr.No.4 of 2020**, seeks anticipatory bail.

2.The case of the prosecution is that A1 impersonated as the father of the defacto complainant and executed a General power of attorney in favour of A2 for which A3 & A4 stood as a witness. The petitioner herein is A3. Later the defacto complainant came to know that the petitioners altogether had executed a bogus document against the property of his father. Hence the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner/A3 submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further he submitted that A3 stood only as a witness for the aforesaid document and he is not aware of the fraudulent acts committed by the other accused persons and hence prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case. He further submitted that A2



was already enlarged on bail by the trial court and A3 stood as witness for the aforesaid document. Hence he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case that A2 was already enlarged on bail by the trial court and A3 only stood as a witness for the aforesaid document, this court is inclined to grant anticipatory bail to the petitioner. However, taking into consideration the gravity of the offence committed by A1, the benefit of this order will not be applicable to him.

6. Accordingly, the petitioner is granted anticipatory bail and he is 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 Court-II, Chengalpattu**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;



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

-sd/-

06/09/2021

WEB COPY

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, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.B.SHARMILA Advocate on payment of necessary
charges SR.NO.9575

CRL OP.15454/2021

Date :06/09/2021

TA-24/09/2021