

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.18947 of 2020

E.SETHU MADHAVAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHIPURAM DISTRICT
(CRIME NO.18/2018)

[RESPONDENT]

For Petitioner : M/S. M.RAVIKUMAR Advocate

For Respondent : Mrs.M.Prabhavathi, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420 & 34 IPC, in Crime No.18 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant had purchased a plot No.3733 situated at Salamangalam Village, Sriperumbudur Taluk, comprised in Survey No.110/1A1A1A1A1B, Sub Division Survey No.110/7, 8, 9, 10 & 11 (Old survey no.110) from one Narashimhan, Annamaai and Desammal, represented by their power agent R.Gopinathan, S/o.S.V.Raman vide registered document No.7351/2005 on the file of SRO, Sriperumbudur and when he applied for an Encumbrance Certificate during the year 2009 for the purpose of selling his land, he came to know that the said POA sold the same to one K.Isaac Prabhakaran, S/o.Kovilpillai Nadar vide Doc.No.1127/2009 on the file of SRO, Sriperumbudur and when he enquired the same with the POA and the subsequent purchaser, they threatened him with dire consequences and hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution

and he has been falsely implicated in this case. He would further submit that the role of the petitioner in this case is that he was the identifying witness of the sale deed of the de-facto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the de-facto complainant had purchased a plot at Salamangalam Village, Sriperumbudur on 26.10.2005. Subsequently, during the year 2009, he applied for an encumbrance certificate and he came to know that the said plot was sold to another person and when he enquired the same, the power of attorney and subsequent purchaser threatened him with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsels, this Court is 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 fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sriperumbudur, Kancheepuram 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall appear 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 commit any offences of similar nature;

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

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

20/04/2021

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,
SRIPERUMBUDUR, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHIPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.RAVIKUMAR Advocate on payment of necessary charges
SR.5093

CRL OP.18947/2020

Date :20/04/2021

RVR 26/04/2021