

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20227 of 2020

1. Liyakath Ali
2. Basheer Ahmed

... Petitioners

-Vs-

The State rep by
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
(Crime No.1126 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.1126 of 2020 is pending on the file of the respondent police.

For Petitioners : Mr.G.Mageshkumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 465, 468, 471, 474, 420, 167 IPC in Crime No.1126 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is one of the trustee without his knowledge, the petitioners along with other accused persons had created a Trust and forged signature of the defacto complainant and misused the trust. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioners. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons had created a Trust and forged signature of the defacto complainant and misused the trust. He would further submit that there is no previous case pending as against the petitioners and the investigation is pending.

5. Considering the facts and circumstances of the case and that is a dispute between trustees of a trust, predominantly civil in nature and there is no previous case pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, Vedaranyam, on condition that the petitioners shall execute a separate 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 petitioners and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate 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 as and when required for interrogation.

[c] 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].

[f] 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/-
23/02/2021

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,
VEDARANYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

+1 CC to M/S. G.MAGESHKUMAR Advocate on payment of necessary charges SR.No.2135

CRL OP.20227/2020

Date :23/02/2021

cs 02/03/2021