

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.20188 of 2020

P.KRISHNAMURTHY @ P.KUTTY

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
RANIPET POLICE STATION,
RANIPET.

[RESPONDENT]

For Petitioner : M/S. A.E.RAVICHANDRAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 of IPC, in Crime No.1389 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant said to have borrowed a sum of Rs.4,00,000/- from the petitioner, at that time, he has compelled him to enter into a sale agreement with A2, thereafter the defacto complainant cancelled the sale agreement and given a Power of Attorney in favour of A2. Subsequently, based on the power of attorney A2, executed sale deed dated 06.07.2020 vide Doc.No.4277 of 2020 on the file of SRO, Walajah in favour of the petitioner. The petitioner along with A2 had forged the life certificate, misused the power given in favour of the 2nd accused and registered the property in favour of the petitioner. Hence, the complaint was registered.

3.Mr.V.Karthic, Senior counsel for A.E.Ravichandran appearing for the petitioner would submit that he entered into a sale agreement with A2 on the strength of power of attorney and he is a bonafide purchaser. He would further submit that he has also filed a private complaint under Section 200 Cr.P.C., and subsequently withdrawn the same, thereafter the present complaint has been filed. He would submit that there is a civil dispute between the parties and he is bonafide purchaser. He would further submit that there is no previous case pending as against the petitioner Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that there are totally two accused persons involved in this case. He would further submit that the petitioner is a money lender and the defacto complainant had received a money and entered into a sale agreement and also given a power of attorney in favour of the second accused. He would further submit that the investigation is also completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case that there is a civil dispute between the parties and the investigation has also been completed and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain 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 District Munsif cum Judicial Magistrate, Ranipet, 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 petitioner 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 petitioner shall report before the respondent Police as and when required for interrogation.

[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]**.

[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/-
02/03/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RANIPET POLICE STATION,
RANIPET.

+2CC to M/S. A.E.RAVICHANDRAN Advocate on payment of necessary charges SR NO.2696

CRL OP.20188/2020

Date :02/03/2021

MK:15/03/2021

WEB COPY