



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.19362 of 2021

1. A.Muthukumar ... Petitioners
2. J.Naveen

Versus

State Rep by ... Respondent
The Inspector of Police,
District Crime Branch,
Chenglepet, Chenglepet District.
(Crime No. 4 of 2021)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No. 4 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.R. Elango

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

For Intervenor : Mr.Swami Subramanian,

ORDER

The petitioners who apprehend arrest for the alleged offence under Sections 418, 465, 467, 468, 471, 474 read with Section 34 of IPC in Cr.No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons are alleged to have with an intention to grab the property of the defacto complainant, created bogus documents and created encumbrance to the defacto complainant's property. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that with regard to the fabricated documents, the District Registrar of South Chennai conducted an enquiry on 05.07.2021 wherein both parties appeared in which the Registrar ordered to cancel the fabricated documents which was created with an intention to grab the property of the defacto complainant and the said registry concluded that based upon the alleged fabricated documents, the petitioners and the other accused persons should not execute any documents based on the fabricated documents and to the effect of that an endorsement also



made in the registry by the Sub-Registrar, Kuduvancheri and said proceedings passed by the District Registrar, Chennai were also enclosed in page 41 of the type set papers. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.side) submits that the petitioners along with other accused persons are alleged to have with an intention to grab the property of the defacto complainant, created bogus documents and created encumbrance to the defacto complainant's property. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. The learned counsel appearing for the Intervenor submits that based upon the said order of District Registrar, who ordered to cancel the documents against which these petitioners and other accused persons preferred an appeal in vide proceedings No.2947/A1/2021 which is pending before the Deputy Inspector General of Registration and further submits that notice also was served in this appeal proceedings to the defacto complainant. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

6. On perusal of the materials reveal that the matter is civil in nature between the parties as well as the proceedings already initiated by the District Registrar as per law, as well as the endorsement made in the register by the Sub-Registrar, Kuduvancheri on 05.07.2021 that no documents should be executed in the future based on the fabricated document. As investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 II, Chengleput**, 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) 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 on every Friday at 10.30 a.m. until further orders;

(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]**; and;

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

-sd/-

15/11/2021

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,
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,
CHENGLEPUT,
CHENGLEPUT DISTRICT.

+1 CC to M/S.P.ELAVARASAN Advocate on payment of necessary charges SR.NO.12793

CRL OP.19362/2021

Date :15/11/2021

TA-24/11/2021