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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.Nos.20684 & 20267 of 2021

1.Elavarasan

...Petitioner in

Crl.O.P.No.20684 of 2021

1.Elangovan

...Petitioner in

2.Vijaya

Crl.O.P.No.20267of 2021

Versus

State Rep by

... Respondent in both the Crl.O.P.s

The Inspector of Police,

Thirunallur Police Station,

Karaikal District.

(Crime No.0155 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.0155 of 2021 pending investigation on the file of the respondent police.

For petitioners : Mr.P.Harikrishnan

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

The petitioners in both the petitions, who apprehend arrest at the hands of the respondent police for the alleged offences under section 420, 467, 468, 471 r/w 34 of IPC, in Crime No.0155 of 2021 seeks anticipatory bail.

2.The case of the prosecution in both Crl.O.Ps is that the petitioners are the witnesses of the documents. It is alleged that the defacto complainant is the care taker of certain lands, which belongs to one Kumar Anand, who resides at France. It is further alleged that A1 sold the said land belonging to the Kumar Anand by fabricating the Will, Death Certificate and other documents. Hence, the complaint.



3.The learned Counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, they prays for grant of anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor submits that the investigation has been completed and co-accused released on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5.On perusal of records this Court by its order Crl.O.P.No.20267 of 2021 dated 19.11.2021 directed to cancel the sale deed in the presence of the original owner/ Kumar Anand and to that effect the encumbrance certificate also produced by the Counsel for the petitioner along with the Cancellation of documents particulars, which reveals that the documents concerned in the complaint is canceled as per this Court Order.

5. Considering the facts and circumstances of the case and also considering that the co-accused released on bail, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the **Judicial Magistrate No.II, Karaikal** on condition that the petitioners shall execute a bond for 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, the petition for anticipatory bail shall stand dismissed 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 Saturday.

(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 thepetitioners 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/-
20/12/2021

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, KARAIKKAL, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
KARAIKAL DISTRICT.

+2 CC to M/S. S.P.HARIKRISHNAN Advocate on payment of necessary charges SR.NO.15603, 15604

CRL OP.20684 & 20267/2021

Date :20/12/2021

TA-04/01/2022