



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21971 of 2021

Jayakumar

.. Petitioner

Vs.

Station House Officer,
Thirunallar Police Station,
Pondicherry.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner/accused on bail in Cr.No.155 of 2021 on the file of the respondent.

For Petitioner : Mr.V.Lakshmi Narayanan
for Mr.K.R.Gunashekar

For Respondent : Mr.Balamurugane
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 24.10.2021 for the offences under **Sections 467, 471, 468, 420, r/w 34 of IPC** in Crime No.155 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's brother one Kumar Anand own a property situated at Nedungadu Paruthikudi Village, Puducherry . It is alleged that A1-A4 had created a forged documents as if the Original Owner had intestate a Will registered before the SRO.Kalasapakkam, registered vide document No.1060/1996 in favour of A1-Devaraj. Based on the said documents, the accused persons sold the said properties to various persons, before the SRO, Karaikal, Pondicherry on 07.09.2021. It is further alleged that the petitioner and other accused jointly committed forgery and registered the property. Hence, the respondent police filed a case against the petitioner.

3. The learned counsel for the petitioner submits that when the petitioner was working as a Sub Registrar, Neravy, Pondichery and also link officer for the Sub Registrar office Thrunallar and Karaikal and he discharged his duty as per law. He further submits that he is not a corrupt person and he has not committed any such mistake as



alleged by the prosecution. He further submits that the petitioner has been suffering incarceration for more than 20 days from 24.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that without verification of the documents, the petitioner registered the sale deed which was impersonated by the other accused persons. He further submits that investigation is still pending.

5. Heard both sides.

6. On perusal of the available records reveals that the petitioner has no previous case and he was in Government service for more than 30 years without any black mark on his tenure.

7. Considering the period of incarceration suffered by the petitioner and also considering the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate-II, Karaikal, Pondicherry** and on further condition that:

(a) the sureties shall affix their 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]**; and;



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

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-sd/-
19/11/2021

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, KARAIKAL, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE STATION HOUSE OFFICER,
THIRUNALLAR POLICE STATION,
PONDICHERRY

5 THE SUPERINTENDENT,
CENTRAL JAIL, KALAPET, PUDUCHERRY.

+1 CC to M/S. K.R.GUNASHEKAR Advocate on payment of necessary charges SR.NO.13096

CRL OP.21971/2021

Date :19/11/2021

TA-22/11/2021