



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

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

Cr1.O.P.No.22503 of 2021

Syed Mohamed Mohaideen Abdul Kader

... Petitioner

Vs.

The Union Territory of Puducherry,
rep by the Station House Officer,
Thirunallar Police Station,
Karaikal.
(Crime No.155 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in connection with Crime No.155 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor Pondicherry

ORDER

The petitioner who was arrested and remanded to judicial custody on 19.10.2021 for the offences under Sections 467, 468, 471 and 420 of IPC r/w Section 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 who is the care taker of certain lands, which belongs to one Kumar Anand who is residing at France, lodged a complaint against the petitioner/A4 and other accused stating that they have fraudulently prepared forged documents such as Will, death certificate and other documents in favour of A1 and sold the property belonging to the Kumar Anand. The petitioner herein is alleged to have prepared the document as a document writer. Hence, the complaint.

3.The learned counsel for the petitioner submits that petitioner is no way connected with the occurrence as alleged by the prosecution and he is only a document writer. He would further states that the co-accused have already been arrested and released on bail. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor (Pondicherry) raised objection that the petitioner herein along with other accused have sold certain lands belonging to the Kumar Anand by creating fabricated death certificate and Will and executed sale deed. He further submits that investigation is still pending. The petitioner has assisted for the alleged execution of fraudulent sale deed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the gravity of the offence, this Court is inclined to grant bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on interim 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 No.II, Karaikal, 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 on every Wednesday and Saturday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the defacto complainant shall be directed to appear before the Registrar Office on the date of cancellation of the sale deed with the help of Police.

(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.

-sd/-

03/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
NO.II, KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE UNION TERRITORY OF PUDUCHERRY,
THE STATION HOUSE OFFICER,
THIRUNALLAR POLICE STATION,
KARAIKAL.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. K.S.KARTHIK RAJA Advocate on payment of necessary
charge SR.NO.14054

CRL OP.22503/2021

Date :03/12/2021

CSK 06/12/2021