



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.22502 of 2021

Baskar

... 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.

3.The learned counsel for the petitioner submits that petitioner is only a subsequent purchaser and he is no way connected with the offence as alleged by the prosecution. 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. However, he vehemently opposed to grant bail to the petitioner.

5. At the time of arguments, the learned counsel for the petitioner submits that if the Court enlarges the petitioner on bail, he is ready to cancel the documents standing in his name and the said suggestion was fairly accepted by the prosecution.

6. The learned Additional Public Prosecutor submits that the Kumar Anand who is the original owner of the land came to India from France and now he is available in Puduchery.

7. In view of the above submissions made by both counsel, this Court is inclined to grant interim bail to the petitioner on condition that he should cancel the sale deed executed in favour of him in the presence of the original owner viz., Kumar Anand within a period of four weeks and the same should be incorporated in the book of the Register maintained in the concerned Registrar Office.

8. 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 as undertaken by him, shall cancel the sale deed in the presence of the original owner Kumar Anand within a period of four weeks from the date of execution of sureties;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

WEB COPY

-sd/-
03/12/2021

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-II,
KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PODICHERRY [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 charges SR.NO.14053

CRL OP.22502/2021

Date :03/12/2021

CSK 06/12/2021