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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

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

CrI.O.P.No.23276 of 2021

Devaraj

... Petitioner

Vs.

The State rep. by
The Inspector of Police
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.R.Vivekananthan

For Respondent : Mr.Balamurugane
Additional Public Prosecutor (P)

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/A1 and other accused stating that they had fraudulently prepared forged documents such as Will, death certificate and other documents in favour of the petitioner/A1 and sold the property.

3.The learned counsel for the petitioner submits that the petitioner is aged about 73 years and he has been used as an instrument for the alleged fabrication of documents and he is nothing to do with the property and that has been falsely implicated in this case. He would further state that the subsequent purchaser/A4 has



been granted bail by this Court in CrI.O.P.No.22502 of 2021 dated 03.12.2021 with a condition to cancel the sale deed executed in favour of him and accordingly, the same was cancelled and that the petitioner has been suffering incarceration for more than 50 days from 19.10.2021. Therefore, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor (Pondicherry) raised objection stating that the petitioner is the one who already attempted to create another document of like nature but admits that co-accused has been granted bail by this Court and the alleged sale deed has been cancelled and the investigation has been completed.

5. In view of the above submissions made by both counsel that the co-accused has been granted bail by this Court and the alleged sale deed has been cancelled and the investigation has been completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

6. 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 No.II, Karaikal, and on further conditions 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 Tuesday and Sunday at 10.30 a.m. until further orders. The petitioner shall not indulge in such illegal activities.

(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/-

10/12/2021

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, KARAİKAL, PUDUCHERRY DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET,
PONDICHERRY.

4 THE INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
KARAİKAL.

5 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S. R.VIVEKANANTHAN Advocate on payment of necessary charges SR.NO.14457

CRL OP.23276/2021

Date :10/12/2021

RW 10/12/2021