



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.445 of 2022

1.R.Saraswathi
2.R.Ganesan

... Petitioners

Versus

The State Rep by the
The Sub Inspector of Police
District Crime Branch
Thiruvallur District
(Crime No.99 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant an anticipatory bail to the petitioners in the event of their arrest in Crime No.99 of 2021 on the file of Sub Inspector of Police, District Crime Branch, Thiruvallur.

For Petitioners : Mr.N.Kumanan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417, 419, 420, 465, 468, 471 & 506(i) of IPC in Crime No.99 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that Mr.Chandiran, S/o.Govindhagaramani alleged that he and his brother purchased a land measuring about 1.94 acres in S.No.20/2 in 1981 and the he has settled in Bangalore, now when he had obtained a Encumbrance Certificate and found that their signature were fabricated, and the property was sold infavour of the 1st petitioner in 1985, now the first petitioner executed a settlement in favour of her son/2nd petitioner in 2021, and they have produced a fabricated Non-Traceable Certificate as if the original were missing. Hence the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they are innocent and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners have fabricated the signature and created Non-Traceable Certificate. Further, the petitioners along with other accused persons had intention to grab the property belongs to the defacto complainant. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before The learned Judicial Magistrate-II, Thiruvallur, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 first petitioner is directed to appear before the respondent police as and when required for interrogation and the second petitioner is directed to appear before the respondent police on every Tuesday and Saturday at 10.30 a.m., until further orders.

(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 the petitioners 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/-
10/01/2022

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.KUMANAN Advocate on payment of necessary charges
SR.NO.478

CRL OP.445/2022

Date :10/01/2022

JPA 25/01/2022