



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Cr1.O.P.No.1458 of 2022

S.Vinayagamoorthy

.. Petitioner

Vs.

1. State represented by
The Inspector of Police,
District Crime Branch,
Villupuram District.

2. The Sub Registrar,
Vanur

Crime No.48 of 2021

... Respondents

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Cr.No.48 of 2021 on the file of the
respondent police.

For Petitioner : Mr. P.Dinesh Kumar

For R1 : Mr. A.Gokulakrishanan
Additional Public Prosecutor

For R2 : Mr.R.P.Murugan Raja
Government Advocate

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
120(b), 420, 467, 468 and 471 of Indian Penal Code, in Crime Number 48
of 2021, on the file of the respondent police, seeks anticipatory
bail.

2. The case of the prosecution is that the petitioner is arrayed
as A5. It is alleged that one Nalini is the owner of the property.
Subsequently, she died leaving the defacto complainant as their only
sole surviving legal heir. In the mean time, A4 purchased said



property using forged document from A3 and subsequently it was sold to the petitioner/A5. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is the bonafide purchaser of the said property. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the investigation almost completed and further submitted that by impersonating the original owner, the documents were created. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate appearing for R2 submits that the District Sub Registrar enquiry was conducted on 31.01.2022 and based upon the said enquiry, Sub Registrar, Vanur declared vide., Doc.Nos.1527/2012, 6780/2015, 61/2016 & 1475/2019 as forged documents and to that effect entries also made in the book of records.

6. Considering the facts and circumstances of the case and on perusal of records with regard to the cancellation of the documents already enquiry conducted, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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-I, Villupuram on condition that the petitioner shall execute 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 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 petitioner 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 petitioner shall appear before the respondent police on every Tuesday and Saturday.

[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 has been imposed and the petitioner is 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/-

02/02/2022

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 I,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM DISTRICT.

4 THE SUB REGISTRAR,
VANUR.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.P.DINESH KUMAR Advocate on payment of necessary charges SR.NO.195

CRL OP.1458/2022

Date :02/02/2022

INBA~10/02/2022