



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1819 of 2022

1.Kanagavel  
2.Elango @ Elangothai  
3.Kamaraj

... Petitioners

Versus

State of represented by  
The Inspector of Police,  
Muthandikuppam Police Station,  
Cuddalore District.  
(Crime No.557 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest by the respondent police pending investigation of the case in Crime No.557 of 2021 on the file of the respondent.

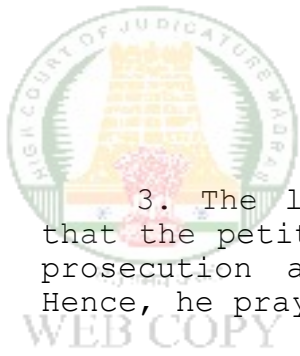
For Petitioners :Mr.M.Vijaya Ragavan

For Respondent :Mr.N.S.Suganthan,  
Government Advocate (Crl. Side)  
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ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420, 294(b) and 506(i) of IPC in Crime No.557 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint on 31.12.2021 stating that the petitioners and the defacto complainant are belongs to same village. Earlier, the defacto complainant's father had borrowed some money from the 1st petitioner as debt and likewise the defacto complainant also had borrowed some money from him by executing bond papers. By using the same the 1st petitioner had transferred 60 cents of the defacto complainant's land, to his name and thereby committed cheating and forgery. In this regard, the 2nd and 3rd petitioners are scolded him in filthy languages and also threatened. 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 have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners grab the property by filing the false suit and there is a civil dispute between them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are directed 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 No.I, Panruti, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed 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 petitioners 1, 3 shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., until further orders and the 2nd petitioner shall report before the respondent police as and when requires for interrogation;

(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.

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-sd/-

28/01/2022

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.I, PANRUTI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
MUTHANDIKUPPAM POLICE STATION,  
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.No.1327

CRL OP.1819/2022

Date :28/01/2022

CSK 03/02/2022