



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Ninth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2401 of 2022

SUDHAKARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CCB-II, CHENNAI.
CR.NO.109/2021.

[RESPONDENT]

For Petitioner : M/S.K.NAGARAJAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under 420, 465, 467, 471 of IPC and r/w Section 34 of I.P.C. in Crime No.109 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there are seven accused in this case and the petitioner herein is arrayed as A3. The petitioner along with other accused persons indulged in criminal misappropriation, created forged documents and grabbed the land to the extent of 2400 sq.ft belongs to the defacto complainant namely Kamakala and the same was registered before the Sub-Registrar, Avadi. After the death of the defacto complainant's father, the defacto complainant's family obtained legal heir certificate and also inherited the property as legal heirs. While so, the accused Rakesh obtained forged legal certificate and executed the sale deed in favour of the petitioner/A2. On account of the said property, the petitioner along with A4 had signed in the forged document as witnesses. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that in the alleged occurrence, except to sign as the witness, the petitioner has not committed any offence. He further submits that based on the confession of A2, this petitioner was arrested. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police raised an objection stating that the investigation is still pending. He would further admit that in the alleged transaction, the petitioner is only the witness to the sale deed executed by A1 in favour of A2.

5. The submission made by the learned counsel on either side is considered.

6. Taking into consideration of the fact that the petitioner is not having any direct involvement in the alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 before the **learned Judicial Magistrate-I, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 conditions that:

[a] the petitioner and 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 daily at 10.30 a.m., for 30 days.

[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



WEB COPY

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]**.

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/02/2022

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,
NO.I, POONAMALLEE, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB-II,
CHENNAI.

+1 CC to M/S.K.NAGARAJAN Advocate on payment of necessary charges SR.NO.2275

CRL OP.2401/2022

Date :09/02/2022

TA-16/02/2022