



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.02.2022

CORAM:

WEB COPY

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

CrI.O.P.No.2087 of 2022

S.Udhayakumar

.. Petitioner

Vs.

State represented by
Inspector of Police,
District Crime Branch,
Tiruvallur,
Tiruvallur District.
Crime No.20 of 2020

... Respondent

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.20 of 2020 on the file of the respondent police.

For Petitioner : Mr. R.Prasadh

For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

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 417, 420, 465, 467, 468, 471 and 3 of I.P.C, in Crime Number 20 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a retired Village Administrative Officer. It is alleged that the petitioner conspired with other accused persons and thereby created forged patta documents with respect of the property which is classified as water poramboke land worth about Rs.2,07,49,560/-. 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 submits that



the petitioner is the retired Village Administrative Officer and he verified only the documents. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that there are totally seven accused and the petitioner is A7 and further A1 to A3 already arrested and the investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that the petitioner is a retired Government employee and if he granted anticipatory bail to the petitioner, he will not abscond and hence this Court is inclined to grant anticipatory bail to the petitioner with a condition that he should co-operate for investigation.

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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Gummidipoondi 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 daily at 10.30.am., until further orders.

[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 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;

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-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,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.PRABHAVATHY Advocate on payment of necessary charges SR.No.1746

CRL OP.2087/2022

Date :02/02/2022

CSK 11/02/2022