



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.04.2022

CORAM:

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

Cr1.O.P.No.7443 of 2022

Malaiamma

...Petitioner

Vs.

State rep. by the
The Inspector of Police,
CBCID Police Station,
Iyyanar Nagar,
Orliapet, Puducherry.
(Crime No.27 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioners in the event of their Crime No.27 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.V.Balamurugane
Public Prosecutor Puducherry.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 34, 419, 468 and 471 of IPC in Crime No.27 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant along with his brothers and sisters purchased properties from one Srinivasa Chettiyar on various occasions. Further, there was a proposal of partition between the defacto complainant and his brothers and sisters, in pursuance of the same, they have approached the Sub-Registrar Office on 08.11.2021 for encumbrance. Later, they came to know that the petitioners had transferred the said property to their name by impersonating one Srinivasa Chettiyar. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioner has not committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that the co-accused already enlarged on bail in CrI.OP.No.3930 of 2022 dated 18.03.2022. The petitioner is the witness of the document. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI. Side) admits that co-accused enlarged on bail. He further submits that after detailed enquiry, Thiru.M.S.Ramesh, District Registrar, Puducherry passed an order vide Order dated 10.01.2022 in No.4225/P-1/DRP/2021/4092/57 stating that the petitioners has criminally conspired together and created fake documents by impersonating someone as Sinouvassin with the malafide intention to grab the property of the petitioners and the deeds mentioned were fraudulently transacted documents through impersonation. Thereby, the proceedings in No.4225/P-1/DRP/2021/4092/57 registered in the Sub Registry, Oulgaret have been declared as "fraudulently registered". Based upon the alleged Power of Deed, the property was sold and the same was pledged in the Punjab National Bank and loan was obtained.

5. A perusal of entire facts reveals that the alleged Power Deed and Sale Deed are cancelled by D.R.Proceedings.

6. Considering the submissions made by both counsel and also considering the fact that the investigation was almost completed and the petitioner is ready to co-operate for the investigation and she is the Native of Puducherry, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance, before the learned Chief Judicial Magistrate, Puducherry, on condition that the petitioner shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 report before the respondent police as and when required for an interrogation.



(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 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/-

12/04/2022

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 CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
IYYANAR NAGAR, ORLIANPET,
PUDUCHERRY.

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1CC to M/S. M.GNANASEKAR Advocate on payment of necessary charges SR.No.5607

CRL OP.7443/2022

Date :12/04/2022

CSK 21/04/2022