



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8096 of 2022

Iyyapan

.. Petitioner

Vs.

The State rep. by
The Station House Officer,
Thirunallar Police Station,
Karaikal.

(Crime No.15 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.15 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.P.Vijayaragavan

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

O R D E R

The petitioner, who was arrested for the alleged offences under Sections 467, 468, 471, 420 read with 34 of IPC in Crime No.15 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner herein, who is part of conspiracy to knock away the property of the defacto complainant, was arrested on 21.02.2022. The preliminary investigation indicates that the property of one Coumar Quessavane and Coumar Sarasvady has been transferred in the name of the first accused by a forged Will and thereafter, got settled in favour of the second accused and the third accused. Later, the second accused has given the power of attorney to this petitioner and based on the said power of attorney, this petitioner sold the property to one Amudha. Thus, based on the forged Will, the property of Coumar Quessavane and Coumar Sarasvady has been led to various transfers. This petitioner is in prison for the past 45 days and seeks bail with an undertaking that he will cooperate with the investigation.



3. Learned Additional Public Prosecutor for the respondent states that one of the accused is yet to be secured and therefore, grant of bail to this petitioner may lead to tamper the evidence.

4. However, considering the fact that the role of this petitioner in the said crime has come subsequent to the alleged act of forgery of the Will and the substantial portion of the investigation is already completed, this Court is inclined to grant bail to the petitioner subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Karaikal;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the Investigating Officer as and when required.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/04/2022

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 JUDICIAL MAGISTRATE,
NO.II, KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDHUCHERRY. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY.

4 THE STATION HOUSE OFFICER
THIRUNALLAR POLICE STATION,
KARAIKAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.P.VIJAYARAGAVAN Advocate on payment of necessary
charges SR.NO. 5293

CRL OP.8096/2022

Date :07/04/2022

RW 08/04/2022