



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11038 of 2022

M.RAMSEKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
T-1 AMBATTUR POLICE STATION,
CHENNAI 600 053
CRIME NO.14 OF 2022

[RESPONDENT]

For Petitioner : M/S MOHAMMED AASIF Advocate

For Respondent : MR. S.UDAYAKUMAR, 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 alleged offences under sections 465, 466, 468, 471, 420, 447 and 506(ii) of IPC in Crime No.14 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is arrayed as A5. The case of the prosecution is that on the date of occurrence, A1, A4, A6 & A7 were trespassed into the complainant's property and stored the centering material which is used for building construction and when it was questioned by the complainant, the said accused jointly threatened the complainant with weapons. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the alleged offence and the petitioner was acted only as general power agent. The de-facto complainant voluntarily suppressed the fact of cancellation of General



power in the year 2013 and falsely implicated the petitioner in this case without enquiring the petitioner. Hence, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would strongly opposed to grant anticipatory bail to the petitioner stating that investigation is still pending.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

6. A perusal of FIR, the allegation against the petitioner is that he being an advocate helped the person who was creating the forged documents in the Sub Registrar Office, in order to grab the property of the de-facto complainant. The only allegation made against the petitioner is that the petitioner has got the General Power of Attorney from A3 in the year 2010. The creation of the document was in the year 2007 and with regard to the said fabrication of documents in respect of the properties owned by the de-facto complainant, suits in O.S.No.333 of 2010 and O.S.No.348 of 2010 were filed by the de-facto complainant, before the Ambattur Court and it was decreed on 03.09.2013. Again, another two suits were filed by the 1st accused Sudarsanam in O.S.No.342 of 2010 and O.S.No.222 of 2011 against the de-facto complainant and his family members and the same was dismissed. However, there is no evidence to link the petitioner for helping the person who was fabricating the documents against the de-facto complainant.

7. In the aforesaid circumstances, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Ambattur, on condition that the petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

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

(c) the petitioner shall report before the respondent police, as and when required for interrogation;



(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 has 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/05/2022

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,
AMBATTUR, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-1 AMBATTUR POLICE STATION,
CHENNAI 600 053.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S MOHAMMED AASIF Advocate on payment of necessary charges SR.NO. 7105

CRL OP.11038/2022

Date :12/05/2022

RW 16/05/2022