



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.11131 of 2022

C.TAMILENIAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DCB, ERODE.
CRIME NO.3/2022.

[RESPONDENT]

For Petitioner : M/S.B.MOHAN Advocate

For Respondent : M/S.S.SUGENDRAN, Additional Public Prosecutor

For Intervener : MR.R.JAYAPRAKASH, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections **417, 465, 467, 468, 471, 474, 120B & 506(i) of IPC** in **Crime No.3 of 2022**, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel appearing for the petitioner, learned Additional Public Prosecutor appearing for the respondent and Mr.R.Jayaprakash, learned counsel appearing for the intervenor.

3. The case of the prosecution is that this petitioner is the 4th accused in the case in Crime No.3 of 2022 registered by the District Crime Branch, Erode District. According to the prosecution, the complainant has entrusted his documents to the petitioner, who is an advocate to enable him to get the death certificate and legal heir certificate, but he was not able to get the certificates. While so, according to the prosecution, he prepared forged documents and created a person to impersonate as though a legal heir of Duraisamy and registered a sale deed and tried to take the property. Hence a case has been registered.



4. According to the petitioner, he being an advocate gave legal opinion and he was not able to get the legal heir certificate and death certificate and returned the original document to the complainant.

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5. According to the learned Additional Public Prosecutor, after registering the case, the respondent police summoned the petitioner for enquiry. He appeared before the respondent Police on 08.03.2022. Subsequently, a case was registered on 08.04.2022. In the information received by the Investigating Officer, it is stated that the death certificate and the legal heir certificate produced by the petitioner were not issued by them and they suspect that they are forged documents.

6. Considering the nature of the case and profession of the petitioner as an advocate, this Court is of the view that custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 days from the date of receipt of a copy of this order, before the **Learned Special Judicial Magistrate for Land Grabbing, Erode**, 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 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 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

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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 SPECIAL JUDICIAL MAGISTRATE
FOR LAND GRABBING, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
DCB, ERODE.

+2 CC to M/S.B.MOHAN Advocate on payment of necessary charges
SR.NO.7080

CRL OP.11131/2022

Date :12/05/2022

TA-17/05/2022