



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14873 of 2022

T.TIRUNAVUKKARASU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ERODE DISTRICT.
(CRIME NO.01/2022)

[RESPONDENT]

For Petitioner : M/S.P.MUTHUKUMARASAMY, Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

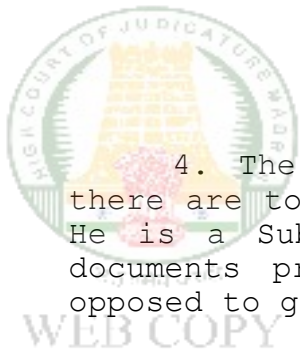
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 420, 467, 468, 471, 472 and 474 read with Section 109 of IPC, in Crime No.01 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused have cheated the defacto complainant by creating a Court Decree, Death certificate and affixed Government seal and created forged documents and executed a settlement deed in favour of A4 and the accused persons sold the property to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 6 accused in which the petitioner is arrayed as A6. He is a Sub-Registrar, who registered the document, based on the documents produced by other accused persons. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The allegations as against the petitioner is that there are 3 items of properties in which one of the properties is situated within the jurisdiction of the petitioner's registration district and the other properties are situated outside his jurisdiction. If any one of the properties is situated within the jurisdiction of the Registration office, the jurisdictional authority can register the documents along with the other properties which are situated outside the jurisdiction of the Registration office.

6. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Erode, 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, 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 Magistrate 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 every Saturday and Sunday at 10.30 a.m. for a period of eight weeks and thereafter as and when required for 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 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/-

29/06/2022

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, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ERODE DISTRICT.

+1 CC to M/S V.BALAMURUGAN Advocate on payment of necessary charges SR.NO.10441

CRL OP.14873/2022

Date :29/06/2022

TA-05/07/2022