



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.24159 of 2021

Coulanjiappan

...Petitioner

Vs.

The Union Territory of Puducherry Rep.by
Station house Officer,
Grand Bazaar Police Station,
Puducherry-605 001.
Crime No.33 of 2021

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.33 of 2021, on the file of the Inspector of Police, Grand
Bazaar, Police Station, Puducherry.

For Petitioners: M/s.V.L.Nehru

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor(Pondicherry)

ORDER

The petitioner, who apprehend arrest for the alleged offence
under Section 468, 471, 506(ii) of IPC r/w. Section 34 of IPC in
Cr.No.33 of 2021 on the file of the respondent police, seek
anticipatory bail.

2. The case of the prosecution is that, the de facto complainant
is owing a house at Govindasalai, Puducherry in plot No.9, 10 in
T.S.No79 'G' block in the year 2006 and she is living separately from
her husband with her two daughters. The defacto complainant's husband,
who is arrayed as Accused No.1 has executed a settlement deed in
respect of her property in favour of his brother/A2 by making false
statement that the de facto complainant died leaving him and her only
daughters as legal heir. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the District Registrar, Pondicherry has conducted an enquiry and cancel the sale deed. Hence, as on date the de facto complainant is the owner of the property. He further submits that the petitioner is most respectable person in the society and if he is not enlarged on Anticipatory Bail, he would put into irreparable loss and hardship. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor (Pondicherry) submits that the sale deed was canceled by the District Registrar, Pondicherry.

5. Considering the submissions made by both counsel and also considering the fact that the sale deed was canceled and the de facto complainant is the owner of the aforesaid property, therefore the earlier Interim Order passed by this Court in Crl.OP.No.24159 of 2021 dated 25.01.2022 is modified and this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.2, Puducherry, 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 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 on everyday at 10 a.m., for a period of four weeks and thereafter 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 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]; and;

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

-sd/-

03/02/2022

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, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE UNION TERRITORY OF PUDUCHERRY,
STATION HOUSE OFFICER,
GRAND BAZAAR POLICE STATION,
PUDUCHERRY-605 001

CC to M/S.V.L.NEHRU Advocate on payment of necessary charges

CRL OP.24159/2021

Date :03/02/2022

RW 14/02/2022