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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

CrI.O.P.No.24863 of 2021

Kasi

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Thellar Police Station,
Thellar,
Tiruvannamalai District.
Crime No.41 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.41 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

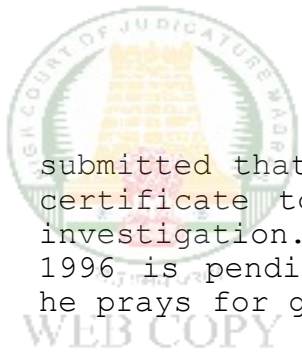
ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471 & 420 of I.P.C, in Crime Number 41 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's mother and the deceased one Kannammal are sibblings. It is alleged that the petitioner obtained forged legal heir certificate, as if he is the son of the deceased Kannammal. Hence, the defacto complainant who is the defendant in O.S.No.173 of 1996 lodged a complaint against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not committed any offence as alleged by the prosecution. He further



submitted that the petitioner had handed over the original legal heir certificate to the Revenue Authorities and ready to co-operate for investigation. He further submits that civil suit in O.S.No.173 of 1996 is pending before the District Munsif Court, Vandavasi. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner obtained forged legal heir certificate of late Kannammal and he further submitted that the investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that civil suit is pending before the trial Court, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner should appear before the Revenue Authorities whenever required with regard to the issuance of legal heir certificate of the deceased Kannammal.

6. Accordingly, the petitioner is ordered 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, Vandavasi 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 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 every Wednesday at 10.30.a.m., until further orders;

[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 has been imposed and the petitioner is 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/-

27/01/2022

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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 JUDICIAL MAGISTRATE,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE DISTRICT MUNSIF JUDGE,
VANDAVASI.

4 THE INSPECTOR OF POLICE
THELLAR POLICE STATION,
THELLAR, THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.JAWAHAR Advocate on payment of necessary charges
SR.No.1290

CRL OP.24863/2021

Date :27/01/2022

CSK 03/02/2022