



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

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

Cr1.O.P.No.26096 of 2021

WEB COPY

M.Thiyagarajan

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Team 18, Central Crime Branch,
Vepary, Chennai - 600 007.
Crime No.214 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 in Crime No.214 of 2021 on the file of the respondent police.

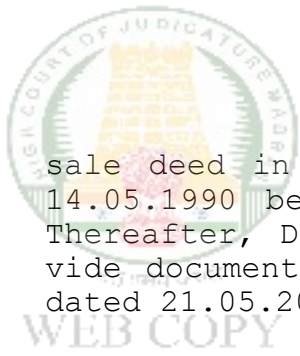
For Petitioner : Mr.D.Ferdinand

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 465, 467, 468, 471, 34 of IPC in Crime No.214 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Nareshkumar/defacto complainant who represents for the Gopal Narayanan is residing in London, lodged a complaint before the respondent police stating that one Gopal Narayanan purchased a property bearing Document No.3645 of 1982 from the Saminatha Archagar who is the power of attorney for Balakrishnan and the said document was registered before the Saidapet Register office on 31.01.1982. Thereafter, the petitioner along with others created a fake documents for the above said land and executed a sale deed impersonating as Balakrishnan in favour of one Munirathinam bearing document No.180 of 1980 before the Saidapet Register Office, later, the said Munirathinam executed a



sale deed in favour of D.Mohan vide document No. 1525 of 1990 on 14.05.1990 before the Saidapet Register Office with the witnesses. Thereafter, D.Mohan executed a sale deed in favour of one Narasimman vide document No.5242 of 2001, then, he got a Patta in 1132 of 2002 dated 21.05.2002. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that petitioner was only a witness to the sale deed executed in the year 2001 and to prove the same, the petitioner has produced stamp paper in which the petitioner has signed as witness and he is no way connected in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that investigation is not yet completed. Hence, he vehemently opposed the grant of bail.

5. Considering the fact and circumstances of the case and also the fact that sale deed reveals that petitioner is only as a witness to the document, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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 CCB, Chennai, 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 Wednesday at 10.30p.m for a period of four weeks and thereafter as and when required for an interrogation;

[c] the petitioner shall co-operate for the investigation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[e] the petitioner shall not abscond either during investigation or trial;

[f] 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

04/01/2022

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,
CCB CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TEAM 18, CENTRAL CRIME BRANCH,
VEPARY, CHENNAI-600 007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.BFS LEGAL Advocate on payment of necessary charges
SR.NO.174

CRL OP.26096/2021

Date :04/01/2022

RW 06/01/2022