



Crl.O.P(MD)No.13873 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:24.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.(MD)No.13873 of 2024

S.Sakthivel

.. Petitioner

/versus/

The State rep.by Inspector of Police,
Karur Town Police Station, Karur.
Crime No.394/2024

Transferred to:
The State rep.by Inspector of Police,
CBCID, Karur District,
Crime No.1/2024

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.1 of 2024 on the file of the respondent police.

For Petitioner :Mr.Naveen Chandran.C.B.

For Respondent :Mr.K.M.D.Muhilan
Govt.Advocate (Crl.Side)

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ORDER

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The petitioner herein apprehends that he may be arrested by the respondent police in the on-going investigation of Crime No.1 of 2024 for the alleged offences punishable under Sections 465, 467, 468, 471, 420, 353, 506(i) and 120(B) of IPC. Though his name is not found in the First Information Report, he has been employed under A2, the above apprehension has been expressed.

2.The learned Government Advocate (Crl.Side) appearing for the respondent states that the investigation sofar conducted indicates that his new account in the name of Sobana was opened and kits were received by the petitioner to facilitate to deposit of cheque in the new account of Sobana and withdraw substantial amount on the same day. The major part of the crime of grabbing the land in the name of Sobana by creating make believe sale deed, without paying the consideration centres around the opening of bank account and withdrawal of amount immediately. For the initial deposit for opening the account i.e. Rs.5000/- made by this petitioner, the petitioner is under scanner.



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3. On considering the rival submissions, this Court is of the view that as long as the prosecution is able to collect material to any overt act of this petitioner in the scheme of conspiracy. He being an employee under A2 may not be probed him in the case. For the said purpose, the learned Government Advocate (Crl.Side) states that the account opening form and the other documents obtained from the bank are to be sent to the Forensic Expert Opinion and for the said purpose, the custody of the petitioner is required. However, co-operation by the petitioner for enquiry is sufficient and in case any forgery or impersonation against this petitioner is made out in the transaction, the respondent police may seek for cancellation of bail.

4. With the above observations, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 is made ready, before **the learned Judicial Magistrate No.I, Karur;** on condition that the petitioner shall



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execute a bond for a sum of **Rs.50,000/- (Rupees fifty 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 Investigating Officer daily at 10.00 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.



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[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.

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Index:yes/no

Neutral citation:yes/no

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To:

1.The Judicial Magistrate No. I, Karur.

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<https://www.mhc.tn.gov.in/judis>



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2.The Inspector of Police, Karur Town Police Station, Karur.

Crime No.394/2024

Transferred to:

The State rep.by Inspector of Police,

CBCID, Karur District,

Crime No.1/2024

3.The Public Prosecutor,High Court, Madras.

DR.G.JAYACHANDRAN,J.

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