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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 30006 of 2024

Balasubramanian

... Petitioner/A1

Versus

State, rep. by its

Station House Officer

Town Police Station

Karaikal

(Crime No.184 of 2024 of Town P.S..)

..Respondent

Prayer: Criminal Original Petition is filed under Section 482 of BNSS, praying to enlarge the petitioner on bail in the event of his arrest at the hands of the respondent police, pending investigation in Crime No. 184 of 2024 on the file of the respondent police.

For Petitioner

: Mr.Santhoshkumar Santhakumar

For Respondent

: Mr.K.S.Mohandass

Public Prosecutor, Pondicherry

ORDER

Apprehending arrest in connection with Crime No.184 of 2024 registered for the offences punishable under Sections 420, 468, 471, r/w 34 IPC, the present petition has been filed seeking anticipatory bail.



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2. The petitioner, alongwith other accused, is alleged to have indulged in fabrication of document to snatch away the property belonging to the de facto complainant.

3. Pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He would further submit that the father of the petitioner had executed a registered settlement deed vide Doc.No.1172 of 2005, dated 17.06.2005 in respect of property at Karaikkal in favour of the petitioner herein and another settlement deed vide Doc.No.1173 of 2005, dated 17.06.2005 in respect of property measuring an extent 3825 sqft., in favour of his another son viz., R.Balakrishnan. He would further submit that the petitioner is, in no way, connected with fabrication of any document. He would further submit that the father of the petitioner had executed a registered settlement deed regarding 26 Kuzhi 3/64 in R.S.No.100/9, Casthar 641, Patta No. 185(n) for 7 are 11 centhiyar and thereafter, the petitioner had settled the same through a registered settlement deed in favour of his wife Malarkodi vide Document



No.1275 of 2012 dated 30.03.2012. He would further submit that the petitioner is a law abiding person and only in order to contradict his claim over the property, the present complaint has been lodged against him. He would submit that the petitioner is willing to abide by any condition that may be imposed by this court and ready to co-operate for investigation.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is as under:-

i) The grandfather of the defacto complainant had purchased two items of properties vide a French document dated 08.01.1955 and the first item of property was measuring an extent of 60 kuzhies. Furthermore, his grandfather Rethinasamy had executed a Will in favour of his two sons and one of them viz., Jambukesavan being the father of the defacto complainant the properties bequeathed in favour of Jambukesavan has been succeeded by the de-facto complainant and the property in dispute in Resurvey No.100/9, Cadstre No.641 part in Patta No.185(N) measuring 7 Are 11 Centiare.

ii) Taking advantage of the similarity of the name of the father of the



petitioner and grandfather of the de-facto complainant, with the help of Sub Registrar, two settlement deeds had been executed one vide Document No.1173 of 2005 dated 17.06.2005 in favour of one R.Balakrishnan, brother of the petitioner and another vide Document No.1172 of 2005 dated 17.06.2005 in favour of the petitioner.

iii) Therefore, with the connivance of the officials of the Office of the Sub Registrar, the petitioner had indulged in fabrication of documents to usurp the property belonging to the de facto complainant.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No. I, Karaikkal, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m until further orders;

[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



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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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

16.12.2024

MSM/ssk.

To

1. Station House Officer
Town Police Station
Karaikal.
2. The Public Prosecutor,
High Court, Madras.



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7

A.D.JAGADISH CHANDIRA, J.

MSM/ssk.

Crl.O.P.No.30006 of 2024

16.12.2024