



Crl.O.P.No.32465 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.O.P.No.32465 of 2024

Kandasamy

... Petitioner

Versus

The State Rep by its
The Inspector of Police,
District Crime Branch II,
Namakkal District.
(Crime No.13 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest by the respondent police pending investigation in Crime No.13 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Siva Kumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 468, 471, 420 & 109 IPC in Crime No.13 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused joined together, and prepared false documents, registered in the favour of the petitioner by suppressing the fact that the defacto complainant is one of the legal heirs in the registered property. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he been falsely implicated in this case. He further submits that at the time of purchasing the property, the vendors did not intimate about the legal heir and an objection was not made/recorded by the De-facto complainant at the time of registration. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner and other accused by fabricating the legal heir certificate, registered the document in favour of the petitioner and suppressed the fact that the defacto complainant is one of the legal heirs of the registered property. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the arguments from both sides, the nature of the offence, and also considering other relevant aspects, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order



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copy made ready, before the **learned Judicial Magistrate, Sendamangalam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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To

1.The Inspector of Police,
District Crime Branch II,
Namakkal District.
(Crime No.13 of 2022)

2.The Public Prosecutor,
High Court, Madras.



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L.VICTORIA GOWRI, J.

dpa/skr

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