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CrI.O.P.No.11431 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 11431 of 2025

V.Sivasamy

Petitioner(s)

Vs

The State Represented by,
The Station House Officer,
CB-CID Police Station,
Through Public Prosecutor
Puducherry.
(Crime No.27 of 2021)

Respondent(s)

For Petitioner(s) : M/s.S.Saranya

For Respondent(s) : Mr.K.S.Mohandoss,
Public Prosecutor, Puducherry

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No.27 of 2021 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 419, 468, 471 r/w Section 34 of IPC, 1860 in Crime No.27 of 2021, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner conspired along with other accused persons and created fabricated documents with the intention to grab the properties of the defacto complainant by way of impersonating one Srinivasa Chettiyar. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner has nothing to do with the alleged offences committed by the other accused; that he as Sub-Registrar had registered the document in his official capacity; and that in any case, the allegations are borne out by records and that the co-accused were granted bail by this Court and in any case, the custodial interrogation of the petitioner is not required for the purpose of investigation

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the Sub Registrar/petitioner herein was also involved in the offence along with the other accused.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.



6. Admittedly, the main accused were all arrested and released on bail

under Section 167 (2)(a) of Cr.P.C.

7. Considering the nature of allegations against the petitioner and the fact that the allegations are borne out by records, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. 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 made ready, before the learned **Chief Judicial Magistrate, Puducherry**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** 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;



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[b] the petitioner shall report before the respondent Police daily 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 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 269 of B.N.S.

drl

23-04-2025

To

1. The Station House Officer,
CB-CID Police Station,
Puducherry.

2. The Public Prosecutor,
Puducherry.

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