



WEB COPY



Crl.O.P.No.31452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31452 of 2024

Balathandayutham
S/o.Chinnathambi, No.65/1,Meyyan Street,
Sivadhapuram, Salem-636307.

Petitioner(s)

Vs

State Rep.By, The Inspector of Police,
Sooramangalam Police Station, Salem City.
(Crime No.205 of 2024)

Respondent(s)

For Petitioner(s):

Mr.T.Dhasarathan

For Respondent(s):

Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.205 of 2024 registered for the offences punishable under Sections 465, 468, 471, 420, 109 r/w. 120(B) of IPC, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He



Crl.O.P.No.31452 of 2024

would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for the grant of anticipatory bail is that, there was a property dispute between the parties. Due to which, a Partition Suit filed by the defacto complainant in the year 2011 and an exparte order was passed in favour of the defacto complainant in the year 2015. The defacto complainant is also one of the legal heir. The petitioner along with other accused have cheated the defacto complainant's share in the property by giving fraudulent particulars about the legal heirs and ignoring the shares of the defacto complainant by creating fake patta and got Possession Certificate in their favour and sold the entire property to one Rajasingh in the year 2018-2019.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal 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.



Crl.O.P.No.31452 of 2024

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 made ready, before the learned **Judicial Magistrate-II at Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police, as and when required for interrogation;

[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



WEB COPY



Crl.O.P.No.31452 of 2024

A.D.JAGADISH CHANDIRA, J.

dsn

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.

08.01.2025

dsn

Crl.O.P.No.31452 of 2024

08.01.2025