

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL ORIGINAL PETITION No.8071 of 2018

1 K.VIJAYAKUMAR

[PETITIONER / ACCUSED]

2 K.BALAJI

3 RANJINI JOY

Vs

STATE REPRESENTED BY

[RESPONDENT]

INSPECTOR OF POLICE,

CENTRAL CRIME BRANCH-I,

ANTI LAND GRABBING CELL,

VEPERY, EGMORE, CHENNAI.

CR.NO.22 OF 2018

For Petitioner : MR.P.R.RAMAN, SENIOR COUNSEL FOR
M/S.C.SEETHAPATHY Advocate

For Respondent : MR.HARI HARA ARUN SOMASANKAR,
GOVERNMENT ADVOCATE [CRL.SIDE]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Heard both sides.

2. This petition has been filed to enlarge the petitioner on bail in the event of arrest in connection with Crime No.22 of 2018 registered by the Inspector of Police, Central Crime Branch-I, Anti Land Grabbing Cell, Chennai.

3. According to the prosecution, the petitioners arrayed as A3 to A5 have committed offences under Sections 419, 465 and 467 IPC. The defacto complainant who purchased the property in 1961 came to know recently the sale of the same to one G.Krishnamurthy on 06.03.1967, who is the father of the petitioners. Krishnamurthy settled the property in 1969 in favour of his wife Kalpana and in 1995, these petitioners sold the property to A6 and others.

4. The document was forged by G.Krishnamurthy in 1969 when the petitioners were minors and the petitioners having knowledge about the forgery sold in 1995.

5. The learned Senior counsel appearing for the petitioners argued that the petitioners are innocents of the offences; that they have no knowledge about the forgery; that the property was subjected to Income Tax attachment in 1992 as that of the petitioners' mother Kalpana and therefore the petitioners may be granted Anticipatory Bail.

6. The learned Government Advocate argued that the entire property was acquired by the Government in 1975 and compensation was ordered in the name of the defacto complainant and subsequently acquisition proceedings was withdrawn. The petitioners knowing fully well that the property does not belong to them and also having knowledge about the forgery sold the property and since investigation is at preliminary stage, the custodial interrogation is necessary and therefore the petition may be rejected.

7. The land is vacant site and the same was purchased by the defacto complainant in 1961. Both sides have showed the xerox copies, one on the side of the petitioners that the properties in the name of Kalpana, mother of the petitioners was subjected to Income Tax attachment and the other on the side of the State to show that acquisition proceedings were initiated for the land in the name of the defacto complainant. The sale deed, dated 06.03.1967 in favour of Krishnamurthy, father of A3 to A5 is alleged to have been forged one. Admittedly in the year of 1967, the petitioners were minors. The property was settled by Krishnamurthy in favour of his wife Kalpana in 1969. After about 25 years, in 1992 the property in the name of Kalpana, mother of the petitioners was also subjected to attachment by the Income Tax Department. The entire prosecution case is borne by records. No doubt the impersonator to the document is yet to be identified and it is highly doubtful how far the custodial interrogation of these petitioners will be helpful to find out the impersonator of the forged document which was made when the petitioners were minors.

8. The petitioners are having permanent residence and there is no bad antecedence. Considering the above facts, this Court is inclined to grant Anticipatory Bail to the petitioners.

9. Accordingly, all the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Metropolitan Magistrate, CCB Cases, Allikulam, Egmore, Chennai - 3, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition the petitioners are directed to appear before the respondent police daily at 10 a.m from Monday to Friday for three weeks and thereafter at 10 a.m on every Monday before the respondent police for two months. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously.

10. The petitioners shall appear before the concerned Metropolitan Magistrate within a period of three weeks from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

-sd/-
18/04/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
CCB CASES, ALLIKULAM, EGMORE, CHENNAI-3.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
ANTI LAND GRABBING CELL, VEPERY,
EGMORE, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.C.SEETHAPATHY Advocate on payment of necessary
charges in SR.Nos.7620, 7590

CRL OP.8071/2018

Date :18/04/2018

MLT-20/04/2018