

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.20198 of 2017

R.CHANDRASEKARAN

[PETITIONER / ACCUSED]

Vs

1 STATE REP BY

[RESPONDENTS]

INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.
CR.NO.17 OF 2017.

2 D.SUBRAMANI

3 M/S.NAVABHUSHAN PROPERTIES

[2RD RESPONDENT/PROPOSED PARTY]

REP. BY ITS DIRECTOR V.KANNIAPPAN

**[*] R3 is impleaded as per the order of this Hon'ble court
11.12.2017 made in Cr1.MP.NO.13633/2017 in Cr1.OP.NO.20198/2017**

For Petitioner : M/S.S.HEMALATHA Advocate

For Respondent-R1 : MR. C.RAGHAVAN, Govt. Advocate (Cr1. Side)

For Respondent-R2 : MR. V.DILLIBABU Advocate

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

ORDER : The Court Made the following order :-

This is the second Anticipatory Bail petition. The first Anticipatory Bail Application No.12513 of 2017 was dismissed on 22.08.2017 on the ground that the petitioner had not given a correct Crime number and liberty was given to the petitioner to file a fresh Anticipatory Bail application giving the correct crime number. Hence, the present petition.

2. On the complaint lodged by the second respondent, the first respondent Police registered a case in Crime No.17 of 2017 for the offences under Sections 419, 467, 468 r/w 471, 420 and 506(ii) of IPC, against the petitioner.

3. It is the case of the defacto complainant that the petitioner had encumbered his land by selling it to M/s.Navabhushan

Properties. During the course of proceedings in this petition, the parties have arrived at a compromise under which the property was re-conveyed by M/s.Navabhushan Properties to Mr.D.Subramani.

4. M/s.Navabhushan Properties has filed a memo dated 31.07.2018, wherein para Nos.6 and 7, it is stated as follows:

6. The 3rd respondent/proposed party submits that accordingly the petitioner herein had, at his cost, on 26.07.2018 conveyed and registered alternate lands in the name of the 3rd respondent herein and the same had been registered as Document No.487 of 2018 on the file of the Sub Registrar Sriperambudur.

7. The 3rd respondent/proposed party submit that they have subsequently reconveyed the disputed properties comprised in the Survey No.345/4A-28 cents, Survey No.344/2-13.5 Cents and Survey No.345/2B-81 cents, total extent of 1 Acre and 22.5 Cents in Valasaivettikadu Village, Thiruvallur Taluk, Thiruvallur District, in favour of the 2nd respondent/Defacto complainant Subramani by registered sale deed dated 26.07.2018 bearing Document No.4885 of 2018 on the file of the Sub Registrar, Sriperumbudur.

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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thiruvallur, on condition that they shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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.

[b] the petitioner shall report before the respondent police for interrogation daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

31/07/2018

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 JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.HEMALATHA Advocate on payment of necessary charges IN SR.NO. 14339

CRL OP.20198/2017

Date :31/07/2018

MLT-03/08/2018