

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.30581 of 2018

ANILKUMAR

[ PETITIONER / ACCUSED ]

Vs

THE INSPECTOR OF POLICE [ RESPONDENT ]  
CENTRAL CRIME BRANCH, TEAM XVII,  
VEPPERI, CHENNAI.  
CR.NO.444 OF 2018

For Petitioner : M/S.ELIZABETH RAVI Advocate

For Respondent : M/S.SARATHA DEVI, GOVERNMENT ADVOCATE [CRL.SIDE]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This petition has been filed by the accused No.5 seeking bail for the alleged offence punishable under Sections 419, 465, 468, 471 read with Section 120-B of IPC in Crime No.444 of 2018 on the file of the respondent police.

2. The learned counsel for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that as per the prosecution case, the accused No.3 has impersonated the defacto complainant and created a Power of Attorney and based on the said Power of Attorney, he has sold the property to the accused No.4. He further submitted that the petitioner herein is the husband of the accused No.4 and also submitted that only after verifying the Encumbrance Certificate, the property was purchased by the petitioner herein in the name of his wife (accused No.4). He further submitted that the petitioner herein is bonafidely dealt with the said transaction. He further submitted that already accused No.4 got Anticipatory Bail from this Court on 21.12.2018 and the accused Nos.3 and 6 were released on bail by the Trial Court itself. He further submitted that the petitioner herein is in custody from 14.12.2018 and therefore he prayed to grant bail to the petitioner.

3. Per contra, learned Government Advocate (Crl. Side) has submitted that knowing fully well that the property belongs to the defacto complainant, with a view to grab the property, the petitioner herein conspired with other accused persons and impersonated the

defacto complainant and created a Power of Attorney in the name of accused No.3 and got Sale Deed in the name of petitioner's wife (accused No.4). Since the petitioner herein is the main accused and he acted with an intention to grab the property of the defacto complainant, she strongly opposed this petition. However, learned Government Advocate (Crl. Side) has fairly conceded that this Court has already granted anticipatory bail to the accused No.4 and the Trial Court has granted bail to the accused Nos.3 and 6.

4. Considering the fact that the petitioner is in custody from 14.12.2018 and also the fact that already this Court has granted anticipatory bail to the accused No.4 and also the fact that the Trial Court has granted bail to the accused Nos. 3 and 6, this Court is inclined to allow this petition by imposing certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Metropolitan Magistrate cum land grabbing Special Court - II, Chennai and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

[c] the petitioner shall not tamper with evidence or witness 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 229A IPC.

-sd/-  
27/12/2018

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  
CUM LAND GRABBING SPECIAL COURT-II,  
CHENNAI.

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI.

3 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH, TEAM XVII,  
VEPPERI, CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

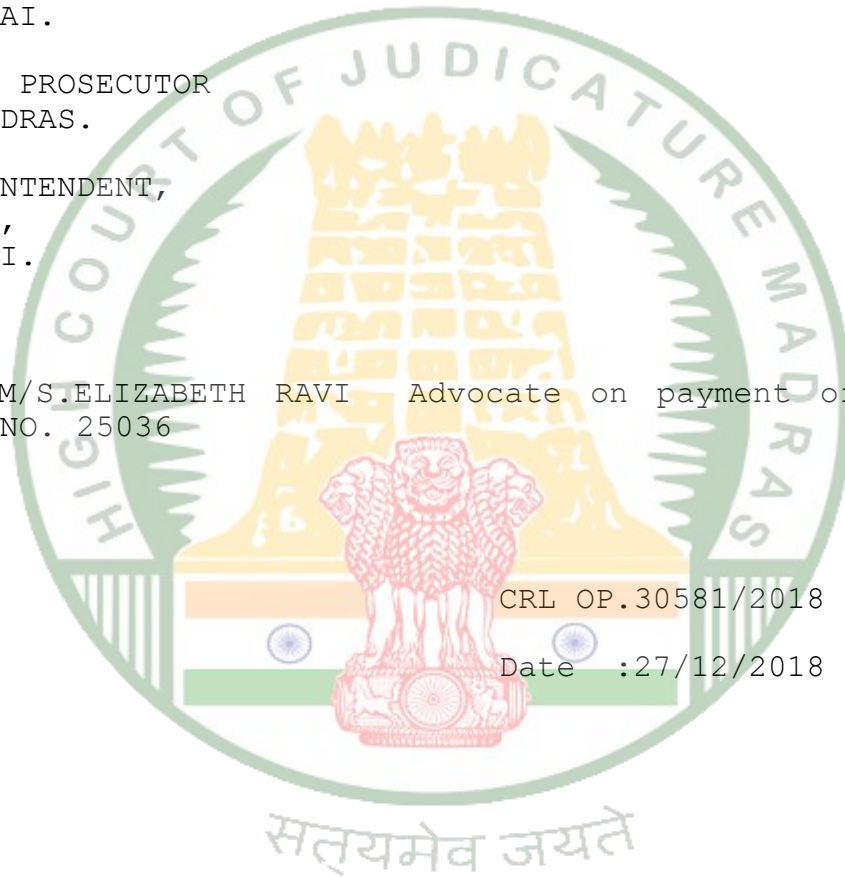
5 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PUZHAL, CHENNAI.

+1CC to M/S.ELIZABETH RAVI Advocate on payment of necessary  
charges in SR.NO. 25036

CRL OP.30581/2018

Date :27/12/2018

MLT-27/12/2018



WEB COPY