

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.19930 of 2019

N.PONNUSWAMY

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(LAND GRABBING CELL),
KANCHEEPURAM,
KANCHEEPURAM DISTRICT.
CR.NO.23 OF 2019.

[RESPONDENT]

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468, 469 and 471 of I.P.C. in Crime No.23 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 05.07.2019 one Sonalisha lodged a complaint before the respondent stating that she own 10 acres of land at Vallipuram Village, Thirukalukundram Taluk with various survey numbers and further the case is that impersonating the defacto complainant one Muthukumar on 02.05.2017 obtained a registered Power of Attorney in his name and based on the Power of Attorney, the said Muthukumar had sold the land belonging to the defacto complainant to three persons namely, (1)Sankaswaran (3.90 acres), (2)Ranganathan and Indira (4 acres) and (3)Rajendran (2.10 acres) dated 08.08.2017 and the petitioner herein had purchased from the said Rajendran on 14.06.2018 by way of registered Sale Deed. The defacto complainant after coming to know about the above fact of impersonation had lodged a complaint based on which the present case was registered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that he is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the FIR has been registered for the offences punishable under Sections 420, 465, 468, 469 and 471 of I.P.C. However, she vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Kancheepuram on condition that each petitioner shall execute 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 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.

[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 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 229A IPC.

-sd/-
25/07/2019

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,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(LAND GRABBING CELL),
KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR.NO.15459

सत्यमेव जयते CRL OP.19930/2019

Date :25/07/2019

TA-29/07/2019

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