

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 13486 of 2020

P.Vanjinathan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Chennai City -V
Vigilance and Anti-Corruption
No.293, M.K.N. Road,
Alandur, Chennai 600 016
(Crime No.01/AC/2020/CC-V of 2020).

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner herein (Accused No.1) on bail in the event of her arrest in connection with Crime No. 01/AC/2020/CC-V of 2020) dated 16.03.2020 on the file of the respondent Police.

For Petitioner : Mr.G.Purusothaman

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(This Case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 13(2) read with 13(1)(d) of Prevention of Corruption Act under section 120(b), 167, 409, 420, 465, 468, 471 IPC and section 65 & 72 of Information Technology Act in Crime No. 01/AC/2020/CC-V of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant K.Vijayan is that the petitioner who was working as a Firka Surveyor, in collusion with the private individual transferred the patta in favour of one M.R.Vasagar for sale consideration. Based on the oral and documentary evidence given by the defacto complainant, a preliminary enquiry was conducted and it was found that a prima facie case was made out against the petitioner/accused herein. During the enquiry, it came to light that Thiru.K.Vijayan the defacto complainant and his brother viz., K.Prakasam had purchased

plot Nos.15 and 16 to an extent of 2400 sq.ft comprised in survey Nos.296/1A, 296/1B, and 296/2 at Thangarajapuram layout, Ottiyambakkam Village, Sholinganallur Taluk from one Sasikala @ Revathi through the power agent Thiru.K.Palanisamy for sale consideration of Rs.1,68,000/- and the same was registered before Sub Registrar Office, Tambaram vide Document No.4469 of 2009 on 31.07.2009. Thereafter, the defacto complainant had applied for patta along with copy of his sale deed at Sholinganallur Taluk Office on 06.08.2011 and one Thiru.Balasubramaniam had prepared extract of filed map book (FMP) for No.23, Ottiyambakkam Village, survey No.296 on 29.08.2011, in which, the plots belonging to one Thiru.K.Vijayan and Thiru.Prakasam were clearly drawn and after the necessary procedures Thiru K.Vijayan and Thiru Prakasam were issued patta in their name vide patta no.945 for the aforesaid sub divided survey No. 296/2A2, on 29.09.2011. During the year 2011, the private individual M.R.Vasagar/ A2 had purchased the vacant land measuring to an extent of 1 Acre 11 cents comprised in survey nos.296/1A, 296/1B and 296/2 situated at Ottiyambakkam Village, for a total sale consideration of Rs.16,65,000/- from one Thiru.Karunakaran and others through registered sale deed bearing document No.6596/2011 at SRO, Selaiyur dated 26.08.2011. The land purchased by Thiru.Vasagar (A2) was located around the plots belonging to the complainant Thiru.Vijayan and his Brother Thiru.Prakasam. During the year 2014, the petitioner/accused had approached the defacto complainant and his brother and force them to sell their plots to Thiru.M.R.Vasagar who had purchased the land around their plots and had further told them that if they failed to sell their plots, he would not allow them to enjoy the property peacefully. The defacto complainant and his brother have refused to sell their plots; but the petitioner in collusion with the said Vasagar had conspired together dishonestly and fraudulently made false documents showing that the second accused had only purchased 1.11 acres of land and altered the FMB and made false modifications in Ottiyambakkam Village "FMB ' A' Register and Adangal Register of Ottiyambakkam Village, Administrative Office records against the interest of the defacto complainant and cancelled the patta with the intention of causing the patta issued to Vasagar as genuine. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in a dispute between the defacto complainant K.Vijayan and one Vasagar. He would submit that a civil dispute is pending between them and he has been unnecessarily dragged in the civil dispute pending between the said Vijayan and M.R.Vasagar. He would submit that the complaint has been given during the year 2014 and the higher official have conducted enquiry and found no fault against the petitioner and thereafter the petitioner has been promoted twice and there is now the petitioner is posted at Nilgiris. He would submit that even as per the case of the prosecution, the entire case is borne by documents and that the custodial interrogation of the petitioner need not be required. Hence, he prays for grant of bail to the petitioner.

5.The learned Additional Public Prosecutor would submit that Vijayan along with his brother had purchased a property in Ottiyambakkam Village. The private individual one M.R.Vasagar had purchased the property adjacent to the property of the defacto complainant. The petitioner in collusion with said M.R.Vasagar had fabricated and made alterations in the Village Register and revenue records to issue patta in favour of Vasagar for extraneous consideration. Hence, he would oppose for grant of anticipatory bail.

6. Heard the counsels and perused the counter and the documents on record.

7. Taking into consideration the facts and submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, the 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 Chief Judicial Magistrate cum Special Judge, Chengalpattu, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter 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 abscond, a fresh FIR can be registered under Section 229A IPC.

9.With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/10/2020

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 CHIEF JUDICIAL MAGISTRATE CUM
SPECIAL JUDGE, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHENNAI CITY-V,
VIGILANCE AND ANTI CORRUPTION,
NO.293, M.K.N.ROAD,
ALANDUR, CHENNAI 600 016.

+1 CC to M/S.G.PURUSOTHAMAN Advocate on payment of necessary charges SR.NO.6734

CRL OP.13486/2020

Date :08/10/2020

TA-04/11/2020

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