

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14305 of 2020

1. T. Manjunath
2. T. Narayanan
3. T. Subramani
4. T. Venkatesh

... Petitioners

Vs.

The State Rep by its
The Inspector of Police,
Anti-Land Grabbing Special Cell,
O/o. The Superintendent of Police,
Krishnagiri, Krishnagiri District.
(Crime No.72 of 2012)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.72 of 2012 on the file of the respondent police.

For Petitioners : Mr. W.M. Abdulmajeed

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471 and 420 IPC, in Crime No.72 of 2012 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sekar Reddy is that the property in S.No.744 of Midigirippalli Village, measuring 1.42 Acres belongs to his family. The property was originally owned by one Rudhrappa and his wife Gnanamma. The defacto complainant's father had purchased the property from them and that they were in possession. While so, without any right, A8-Ellammal (deceased) and A9-Thoobagadu (deceased) had executed a settlement deed on 24.11.1997 in favour of A1-Thimmaiah based on which, A1 along with A2 to A5 encumbered the property. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners are the sons of A1. A8 and A9 who are their grandparents, had executed a settlement deed dated 24.11.1997 in favour of A1 in respect of the

property and they are in possession. He would submit that there was a property dispute between the defacto complainant and the petitioners with regard to the property and a suit was also pending. Now a false complaint has been given as if, the petitioners' family grabbed the property. He would further submit that it is a case of the year 2012 and the petitioners have also appeared before the respondent for enquiry and now A8 and A9 are no more. He would further submit that the entire case of the prosecution is borne out by documents and the petitioners are prepared to co-operate with the respondent for further investigation. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the defacto complainant's father is the owner of the property. A8 one Ellammal and A9 one Thoobagadu who are now deceased have executed a settlement deed dated 24.11.1997 in favour of A1 and thereafter, A2 to A5 who are the sons of A1, have encumbered the property. He would further submit that it is a case of the year 2012 and the investigation has been completed and the charge sheet is made ready and it is yet to be filed before the concerned Magistrate. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned Counsel on both sides and perused the records available.

6. Taking into consideration the facts and submissions of the learned Counsels and that the case is of the year 2012 and the investigation is completed and final report is also made ready, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate - II, Hosur, on condition that each of the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent Police every day at 10.30 a.m. for a period of two weeks and thereafter as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

15/09/2020

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 JUDICIAL MAGISTRATE,
NO.II, HOSUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL,
O/O. THE SUPERINTENDENT OF POLICE.
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

CC to M/S W.M.ABDULMAJEED
charges Sr.6287

Advocate on payment of necessary

WEB COPY

CRL OP.14305/2020

Date :15/09/2020

RVR 06/10/2020