

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15180 of 2020

A.Punithan

.. Petitioner

Vs.

State rep. By
Inspector of Police(CCB),
Team-23, Central Crime Branch,
Anti-Land Grabbing Cell-II,
Vepery, Chennai-600 023.
Crime No.92 of 2012

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.92 of 2012 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Kanagasundaram

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 406 IPC in Crime No.92 of 2012 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Muniyammal is that the petitioner along with other accused in the guise of developing her property cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the case has been registered during the year 2012 and that the petitioner was issued a notice under section 41(A) Cr.P.C and that the petitioner has also appeared before the respondent police for enquiry. Thereafter, the petitioner

apprehending that he may be arrested, he had approached this Court seeking anticipatory bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on notice under section 41(A) Cr.P.C., the petitioner appeared before the respondent police on 21.09.2020 and thereafter, he did not appear for enquiry. When he was asked to produce certain documents, the petitioner has approached this Court with this petition. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail, in the event of his arrest or on his appearance, within a period of fifteen days from the date on which this order copy is made ready, before the learned Special Metropolitan Magistrate, Special Court Exclusively for Land Grabbing Cases-I, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders. The petitioner is also directed to co-operate with the respondent police for investigation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
28/09/2020

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 SPECIAL METROPOLITAN MAGISTRATE,
SPECIAL COURT EXCLUSIVELY FOR
LAND GRABBING CASES-I,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE (CCB),
TEAM-23, CENTRAL CRIME BRANCH,
ANTI-LAND GRABBING CELL-II,
VEPERY, CHENNAI-23.

+1 CC to M/S.D.KANAGASUNDARAM Advocate on payment of necessary charges SR.No.6503

सत्यमेव जयते

CRL OP.15180/2020

cs 09/10/2020

Date :28/09/2020

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