

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15861 of 2020

Senthil Arumugam

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
District Crime Branch
(Anti Land Grabbing Special Cell)
Vellore District
Cr.No.9 of 2013)

.. 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.9 of 2013 pending on the file of the respondent police.

For Petitioner : Mr.A.Gopinath

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 alleged offences under Sections 419, 420, 468 and 471 IPC & 120 (B) IPC, in Crime No.9 of 2013 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that originally, the Government had allotted a land measuring an extent of 2.60-1/2 acres in favour of one Ambika and another 2 acres of land in favour of one Andrews who is the son of the said Ambika. The allotment order was passed in the year 1995. As per the allotment order, they should not alienate the property for a period of 10 years to any third party. Whiles, the 1st accused-Srinivasan had created a forged power of attorney in favour of him, as if the power of attorney was given in favour of him by the original allottees, and sold a portion of the property to the 2nd accused. Similarly, the 3rd accused has also purchased a portion of the land from the

3. The learned counsel for the petitioner would submit that the petitioner is a bonafide purchaser and he has nothing to do with the alleged fabrication of power of attorney done by 1st accused Srinivasan and they have also parted with the money. He would further submit that the similarly placed accused that of the petitioner, namely A2 and A3 have been granted anticipatory bail by this Court on 12.04.2013 in Crl.O.P No.8084 & 8104 of 2013 with condition to report before the respondent police daily twice at 10.30 a.m and 5.30 p.m until further orders. The case is of the year 2013 and the petitioners were appeared before the respondent. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner has colluded with the first accused and created a forged power of attorney and based on which the property belonging to the de-facto complainant has been transferred to the petitioner.

5. Heard both sides.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the similarly placed co-accused have been granted anticipatory bail by this Court on 12.04.2013 in Crl.O.P.No.8084 & 8104 of 2013, 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 arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Arakkonam, 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 for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

[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.

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

-sd/-

09/11/2020

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL)
VELLORE DISTRICT.

+1 CC to M/S. A.GOPINATH Advocate on payment of necessary charges
SR.No.7477

CRL OP.15861/2020

Date :09/11/2020

cs 20/11/2020