

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.32784 of 2019

1 METTU JAYASANKAR
2 MURUGESAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE (CRIMES),
T-3, KORATTUR POLICE STATION,
CHENNAI.
CRIME NO.541 OF 2019

For Petitioner : M/S. A.KUMANARAJA Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/S. N.A.P.RAJARAM Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences under Sections 420, 465, 468, 471, 447, 294 (b), 506(i) of IPC in Crime No.541 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners involved in a land grabbing and trying to occupy the defacto complainant's principal's land. Hence, the complaint.

3.The learned counsel for the petitioners would submit the petitioners have not committed any offence as alleged by the prosecution. In fact the accused and the defacto complainant purchased the property from the legal heirs of the original owner nad the extend is different in between them and it is purely Civil dispute and the same has to be decided only by the Competent Civil Court. Hence he prays for grant of anticipatory bail.

4.The Additional Public Prosecutor appearing for State would submit that investigation is still pending and he vehemently opposed for grant of bail to the petitioners.

6. Considering the facts and circumstances of the case, since there is no allegations, except the property has been purchased by the accused that alleged fake documents. Considering the prima facie of the case, this Court is inclined to grant anticipatory bail to the petitioners. 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Ambattur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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 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 Court concerned 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, as and when required for interrogation;

(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 petitioner 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/02/2020

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 COURT,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIMES),
T-3, KORATTUR POLICE STATION,
CHENNAI.

+1 CC to M/S. A.KUMANARAJA Advocate on payment of necessary
charges SR.No.9956

CRL OP.32784/2019

Date :07/02/2020

cs 18/02/2020



WEB COPY