

Crl. O.P. No.33890 of 2019

S.VAIDYANATHAN, J.

This court has rejected anticipatory bail on 1.9.2016 by passing an order and observed as follows:

"6. Since serious offence of land grabbing is alleged against the petitioners, this court is not inclined to grant anticipatory bail to them. However, learned counsel for the petitioners, pleaded that the 4th petitioner's son is getting married on 4.9.2016 and that he may be granted interim anticipatory bail. He also produced the marriage invitation of the 4th petitioner's son before this court. But, nowhere in the affidavit of the petitioners, the marriage of the 4th petitioner's son is mentioned.

7. In view of the above, this criminal original petition is dismissed in respect of petitioners 1 to 3.

8. Taking note of the submission of the learned counsel for the petitioners that the 4th petitioner's son is getting married on 04.09.2016, this court feels it appropriate to pass the following order.

(i) the 4th petitioner, viz. Venkatesan shall surrender before the respondent police on 03.09.2016, i.e. tomorrow;

(ii) the respondent police shall provide escort to the 4th petitioner for 48 hours, i.e. between 4.00 p.m on 03.09.2016 and 4.00 p.m on 05.09.2016 and thereafter, it is for the respondent police to take action in accordance with law.

(iii) while providing escort to the 4th petitioner, the respondent police officials shall not come in uniform and shall wear plain clothes.

(iv) the entire cost towards providing escort to the 4th

petitioner shall be borne by the 4th petitioner himself."

2. The learned counsel for the petitioners has vehemently contended that the de-facto complainant has obtained a forged patta. As the original patta was not issued, the de-facto complainant has approached this court and after filing of the writ petition, patta has been issued in favour of the petitioner and the same has been recorded on 05.7.2019 in W.P. No.10465 of 2018.

3. It is the case of the petitioner herein that patta has been obtained for 2.00 Acres and that, when the dispute is with regard to only 50 cents, it is further stated by the petitioner that he has also preferred an appeal challenging the grant of patta in favour of the de-facto complainant before the appropriate authority concerned. It is the further submission of the learned counsel for the petitioners that accused 1 and 2 were already granted bail on 14.09.2016 in CrI.M.P. No.94/2016 by the Tiruvallur Land Grabbing Court.

4. Whether the patta has been wrongly obtained or not, cannot be gone into, in the present criminal original petition and that it is open to the petitioners herein to take appropriate steps, including a complaint before the appropriate forum. In case the complaint filed by the

petitioners is found to be false, appropriate action will be taken against the petitioners herein and no indulgence shall be shown in favour of the petitioners.

5. As there is a forgery that has been considered by this court in the earlier order, there is no reason as to why the police officials are keeping quiet. It is no doubt true that the discretion vests with the police either to arrest or not, but the police officials cannot play hide and seek, more particularly, when there is a forgery with regard to the documents regarding any property, much less the property in question. Though this court wanted to recommend disciplinary action against the police officials who were in the office from the date of passing of orders in earlier criminal original petition till date, as the learned Government Advocate submitted that the criminals will be secured and taken to custody, this court is not making any remark against the officials.

6. The learned Government Advocate (Crl. Side), is expected to give the list of names of police officials, who were holding office in District Crime Branch, Tiruvallur ever since the date of first order till date and the present place of posting, to the Registrar General of this Court.

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7. In case any petition is going to be filed either for anticipatory bail or for bail, the de-facto complainant shall be made as a party, failing which, the relief any granted by any court, in favour of the accused, shall stand automatically invalid.

8. There is no iota of evidence to show whether Venkatesan was surrendered and if so, what happened thereafter. If the police is not going to act in compliance with the direction of this court, and if any dereliction is found again, then the police officials will have to face the music as there is a doubt in the mind of this court as to whether there is collusion between the police and the accused in the case on hand.

9. With the above observations, the criminal original petition is dismissed.

07.01.2020

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