

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.39 of 2021

1. Angamuthu
2. Nagamani

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
District Crime Branch,
Thiruvallur District
(Crime No.24 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.24 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr. S.Sasikumar

For Respondent : Mr.M. Prabhavathy,
APP

O R D E R

(The case has been heard through video conference)

Totally there are 9 accused and the petitioners are A3 and A5. They were arrested and remanded to judicial custody on 01.12.2020 for the offences punishable under Sections 417, 420, 465, 468, 471, 473, 476 & 506(i) of IPC in Crime No.24 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused have created a forged patta in respect of 17 cents of Grama Natham land, which is in possession and enjoyment of the defacto complainant. Hence the complaint came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners are in possession and enjoyment of hte property and now patta has also been granted in their favour. The defacto complainant, who was rival claimant has given a false complaint against them and hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused have created a forged patta, based on that they are claiming title over the property Grama Natham land. Hence, she vehemently opposed to grant bail to the

5. Considering the facts and circumstances of the case, and also considering the fact that the disputed land is a Grama Natham land and admittedly, there is a civil dispute regarding the ownership of the property, and taking note of the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to 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 learned District Munsif cum Judicial Magistrate, Gummidipoondi, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall appear before the respondent police as and when required for interrogation.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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/-

07/01/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, PONNERI

CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges
Sr.172

CRL OP.39/2021

Date : 07/01/2021

RVR 08/01/2021



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