

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.657 of 2021

1. R.Dinesh
2. R.Rajesh
3. T.Suresh Kumar

... Petitioners

-Vs-

The Inspector of Police,
Central Crime Branch,
Land Grabbing Cell,
Vepery, Chennai.

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.363 of 2019 is pending on the file of the respondent police.

For Petitioners : M/s.R.Aparna

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners/A1, A2 and A5, apprehend arrest at the hands of the respondent police for the alleged offences under Section 420 of IPC, in Crime No.363 of 2019, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the petitioners and the defacto complainant. The property originally belongs to one T.Rajendran who is the father of 1st and 2nd petitioners. The said T.Rajendran sold the property to one Chandra Sundaram. Suchendar is the General Power of Attorney of Chandra Sundaram. Thereafter, said T.Rajendran after selling the property to Chandra Sundaram, had executed a settlement deed in favour of 1st and 2nd petitioners in which the 3rd petitioner stood as one of the attessor. The petitioners had created a forged document in order to grab the property from the defacto complainant. Hence, the complaint was registered.

3.Heard the learned counsel appearing for the petitioners.

4. The learned Additional Public Prosecutor would submit that the 1st and 2nd petitioners had been arrested and subsequently they have been released on bail. He would further submit that the 3rd petitioner is the attester of the settlement deed. He would further submit that notice under Section 41(A) of Cr.P.C., has been issued to him and he may be directed to appear before the respondent police for enquiry.

5. Considering the facts and circumstances of the case, that the main accused A1 and A2 have been arrested and thereafter released on bail. Therefore, this Criminal Original Petition is dismissed as against the 1st and 2nd petitioners. The 3rd petitioner is the attester of the settlement deed, and it is also stated that notice under Section 41 A of Cr.P.C has been issued on him, this Court is inclined to grant anticipatory bail to the 3rd petitioner with certain conditions.

6. Accordingly, the 3rd 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 on which the order copy made ready, before the learned Judicial Magistrate-1, Thiruvallur, on condition that the 3rd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 3rd petitioner and the sureties shall affix his 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.

[b] the 3rd petitioner is directed to appear before the respondent police for enquiry.

[c] the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 3rd petitioner 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 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd 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].

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

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

-sd/-

19/03/2021

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 JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
LAND GRABBING CELL,
VEPERY, CHENNAI.

CC to M/S R.APARNA Advocate on payment of necessary charges
SR.NO. 3713

सत्यमेव जयते

CRL OP.657/2021

Date :19/03/2021

rvr 30/03/2021

WEB COPY