

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.1299 of 2021

Sudhir S.Kamath

... Petitioner

Vs.

1.State By

... Respondents

The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Crime Branch, Coimbatore.

2.The Assistant Commissioner of Police,
Anti-Land Grabbing Special Cell,
District Crime Branch, Coimbatore.
(Crime No.2/2021)

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.2 of 2021 on the file of the Inspector of Police, Anti-Land Grabbing, District Crime Branch, Coimbatore.

For Petitioner : Mr.V.Lakshminarayanan for
M/s.J.Kingsly Solomon

For Respondents: Mrs.T.P.Savitha
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 468 and 471 of IPC in Crime No.2 of 2021 on the file of the 1st respondent police, seeks anticipatory bail.

2. Earlier, the petitioner filed Crl.O.P.No.16904 of 2020 seeking anticipatory bail arraying the Anti-Land Grabbing Special Cell, City Crime Branch as respondent. When the matter heard on 22.10.2020, it was reported by the learned Government Advocate (crl.side) that there is no case registered by the respondent against the petitioner. Recording the same, the anticipatory bail was dismissed by this Court on the same day.

3. In the second anticipatory bail petition, it is contended that on the very same day, the petitioner received a summon under Section 91 (1) Cr.P.C., from the District Crime Branch, to appear before the Deputy Superintendent of Police on 26.10.2020 in respect of the complaint given by one Vishnu Reddy.

4. The learned counsel for the petitioner submitted that regarding a portion of the land sold to one Vishnu Reddy, due to mis-identification of the location, there is a civil suit pending between them before the District Munsif Court, Madukarai in O.S.No.185 of 2020. Thereafter, a criminal complaint has been given by Vishnu Reddy to the respondent police with false averments, upon the false complaint, apprehending harassment and arrest, he seeks anticipatory bail.

5. The learned Government Advocate (Crl.Side) submitted that after alienating 2.71 acres from one Jaganath on 19.04.2006, the petitioner herein has sold around 0.18 cents of land to the defacto complainant. Subsequently, sold same land to Murugesan and later, extent of 0.18 cents of land now transferred back to the petitioner through an exchange deed. In the said process, to grab 0.18 cents of land, they have created fabricated document and therefore, the petitioner was called to produce the documents and participate in the investigation. Despite receipt of summons under Section 91 (1) Cr.P.C.. Instead of producing the documents and co-operate with the investigation, petitioner absconding himself and has moved anticipatory bail.

6. After hearing the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the State and perusing the First Information Report against the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days, before the Judicial Magistrate No.1, Pollachi, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each, for a like sum to the satisfaction of the respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] the petitioner and 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 15 days from 10.03.2021 and produce the records in his possession and co-operate with the investigation. Thereafter, he should appear as and when required for interrogation.

[d] if any cognizable offence is made out, the Investigating Officer is at liberty to proceed in accordance with law and the ground of anticipatory bail shall not stand in the way.

[e] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On failure to comply the condition or 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].

[h] 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/-
08/03/2021

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,
POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
COIMBATORE.

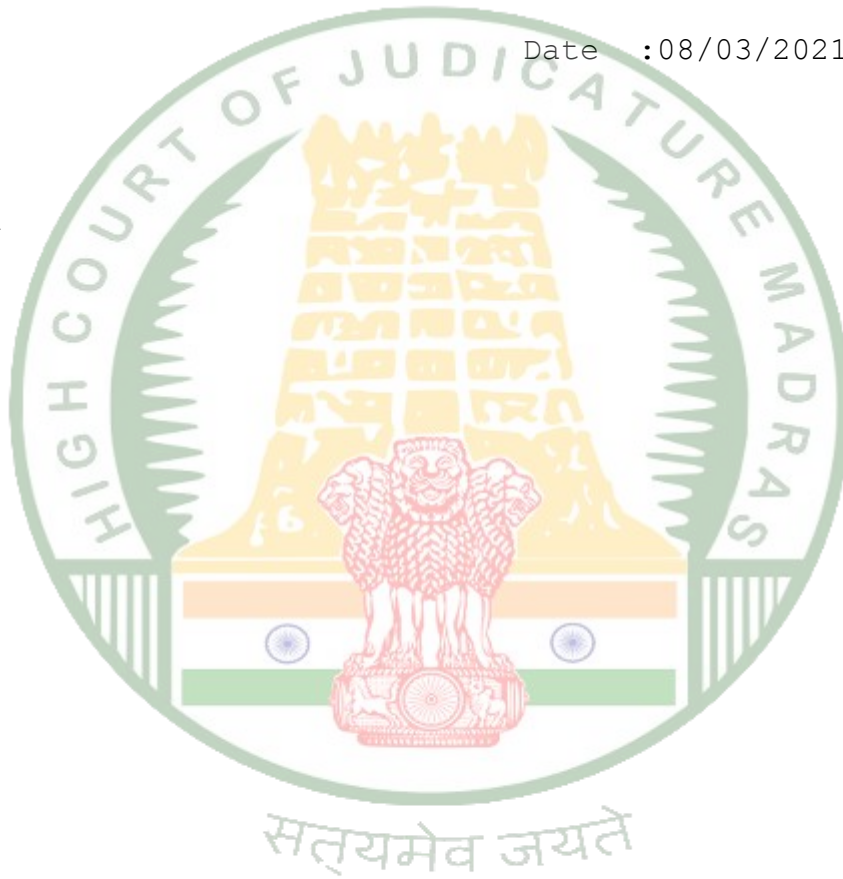
5 THE ASSISTANT COMMISSIONER OF
POLICE, ANTI-LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH, COIMBATORE.

CC to M/S.J.KINGSLY SOLOMON Advocate on payment of necessary
charges

CRL OP.1299/2021

Date :08/03/2021

MN-08/03/2021



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