

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3314 of 2021

S.SIVARUBAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL-II,
TEAM-XXIII,
VEPERY, CHENNAI-600 007.
CRIME NO.90 OF 2020.

For Petitioner : M/S K.SELVAKUMARASWAMY Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 419, 465, 467, 468, 471 r/w 120(B) of I.P.C in Crime No.90 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are 4 accused in this case and the petitioner herein is A3. The allegation is that the property originally belongs to one R.Surendaranath Babu and he died intestate in the year 2014 leaving behind his legal heirs. A1 in this case had impersonated himself as owner of the property and issued the power of attorney to A2, who inturn sold the property to the petitioner/A3 and received a sum of Rs.57,00,000/- in the year 2019. Based on the complaint given by the son of the R.Surendaranath Babu, the case came to be registered.

3. The learned counsel for the petitioner would submit that A1 had produced some documents which reveals that A1 is the owner of the property and A2 holds the power of attorney. He would further submit that he was not aware of the fact that A1 and A2 have produced forged documents to him and paid a sum of Rs.57,00,000/- to

them as sale consideration and registered the property. Subsequently he received a cancellation notice from the District Registrar. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused colluded with each other and created forged documents and transferred the property of the defacto complainant to the petitioner's name and cheated the defacto complainant. He would further submit that A1 and A2 in this case were arrested and released on bail. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is the purchaser of the property and paid the entire amount and purchased the property and A1 and A2 in this case were arrested and enlarged on bail, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate - I, Kancheepuram, on condition that the 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 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 petitioner shall report before the respondent Police as and when required for interrogation.**

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

[d] the 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 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]**.

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

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

-sd/-
01/03/2021

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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL-II,
TEAM-XXIII, VEPERY,
CHENNAI-600 007.

+1 CC to M/S K.SELVAKUMARASWAMY Advocate on payment of
necessary charges SR.NO.2532

CRL OP.3314/2021

सत्यमेव जयते Date: 01/03/2021

TA-05/03/2021

WEB COPY