

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.1785 of 2020

BHAVIN KISHORE JAIN

[PETITIONER]

Vs

TEH INSPECTOR OF POLICE [RESPONDENT]
CENTRAL CRIME BRANCH, (TEAM-XV)
ANTI - LAND GRABBING CELL- I,
VEPERY, CHENNAI-600 007
CRIME NO.234 OF 2019

For Petitioner : M/S.R.SURESH KUMAR 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/A10, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 419, 465, 467, 468 and 471 r/w. 34 of IPC, in Crime No.234 of 2019, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that there are totally twelve accused persons involved in this crime and the petitioner is arrayed as A10. The allegation is that the land in Town Survey No.13 Block No.17 of Periyakudal Village in Division 101, Zone-18 belongs to Chennai Corporation, However, the patta has been fraudulently transferred in favour of A5 and A9. Thereafter they sold the property in favour of M/s. South Coast Construction Private Limited during the year 1996. During a enquiry it was found that the patta has been transferred fraudulently and the connivance of all the accused, hence the crime has been registered. Further, the occurrence had taken place in the year 1996, after nearly 23 years, the complaint has been filed. Now, the patta of the land has also been cancelled and re-transferred to the Chennai Corporation.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the patta was re-transferred in the name of Chennai Corporation and investigation has also been completed. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons had fraudulently obtained the patta of the land which belongs to the Chennai Corporation. He would further submit that the co-accused had already been arrested and thereafter they were released on bail and the investigation has also been completed.

5. Considering the facts and circumstances of the case, the occurrence took place in the year 1996, now the patta has been re-transferred in the name of Chennai Corporation, and corporation also taken possession of the land. It is stated that all the arrested accused were released on bail, and the investigation almost completed, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the CCB/CBCID Metropolitan Magistrate Court, Egmore, Chennai, 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, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] 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.

[b] the petitioner shall appear 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
05/03/2021

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 CCB/CBCID METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, (TEAM-XV)
ANTI - LAND GRABBING CELL- I,
VEPERY, CHENNAI-600 007

+3CC to M/S.R.SURESH KUMAR Advocate on payment of necessary charges SR NO.2868, 2925

CRL OP.1785/2020

Date :05/03/2021

MK:01/04/2021

WEB COPY