



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.3359 of 2021

WEB COPY

1. Sivagnanam @ Sivagnanam Sivanantha Muthaliyar
2. Vijayalakshmi
3. Mani
4. Saraswathi

...Petitioners

Vs.

State Rep by
The Inspector of Police,
Ealagiri Police Station,
Vellore District.
(Crime No. 8 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.8 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.G. Vinodh Kumar

For Respondent : Mr.C.E. Pratap
Government Advocate (CrI side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 465, 471, 474, 420, 447 of IPC, in Crime No.8 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the father of the defacto complainant/ Nagaraj Iyer purchased 2 acres of land from Govindasamy Gounder in the year 1961 and the same was registered before the Vaniyampadi Register office as Doc.No.2163/1961. Thereafter the said Nagaraj Iyer executed a General power of attorney in favour of B.Goutam Chand for one acre and the remaining land was in possession and enjoyment of the father of defacto complainant/ Nagaraj Iyer, who passed away on 16.10.1999. Thereafter the defacto complainant and other legal heirs of Nagaraj Iyer were in possession and enjoyment of the above said land for which there was a enjoyment certificate was issued by the Tahsildar, Tirupatthur. It is alleged



that when the defacto complainant along with the surveyor were measuring the land to fix the boundary the third respondent herein entered into the said land and quarrelled with the defacto complainant by stating that the land belongs to the first petitioner. On verification it came to light that the petitioners prepared forged documents and grabbed the property of the defacto complainant. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that originally the land belongs to the petitioners and the defacto complainant is trying to encroach the petitioner's land. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there was boundary dispute between the petitioners and the defacto complainant and the petitioners have also filed a suit before the Additional District Munsif, Tirupattur in O.S.No.34 of 2021 and the same is pending. He further submits that he has no serious objection for grant of anticipatory bail to the petitioners.

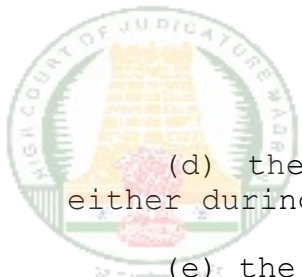
5.Considering the fact that the dispute with regard to the petitioners and the defacto complainant is purely civil in nature and the petitioner has also filed a suit before the Additional District Munsif, Tirupattur in O.S.No.34 of 2021, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirupattur, on condition that the petitioners shall execute a separate 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 and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



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

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

(f) on breach of any of the aforesaid conditions, the learned 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

14/07/2021

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.III, TIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
EALAGIRI POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary
charges Sr.7474

CRL OP.3359/2021

Date :14/07/2021

RVR 26/07/2021