

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3713 of 2021

KAVITHA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
XVI A TEAM,
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI.
CRIME NO.430 OF 2015.

[RESPONDENT]

For Petitioner : M/S.V.VARGEES AMAL RAJA Advocate

For Respondent : MR.K.PRABAKAR, 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 at the hands of the respondent police for the alleged offence under Sections 419, 465, 467, 468, 471, 420 r/w 120(B) IPC and 447 IPC in Cr.No.430 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property to an extent of 9600 Sq.ft in Ram Nagar South Extension in Pallikaranai Village, Tambaram Taluk, Kanchipuram District. Without the knowledge of the defacto complainant, the other accused person executed a sale deed in favour of Susainathan. Thereafter, the said Susainathan executed a power of attorney dated 10.06.2014 in favour of the petitioner in order to encumber the property, for which, the defacto complainant made a complaint against the petitioner and the other accused persons. Hence, the present petition has been filed.

3.The learned counsel appearing for the petitioner on instructions would submit that the petitioner will not enforce the power of attorney executed by the Susainathan and further, for the very same issue, the defacto complainant already instituted a suit in O.S.No.607 of 2014 on the file of the Principal District Munsif Court, Arandur, Chennai, against the petitioner as well as the other

accused persons. Accordingly, he prayed for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that since the petitioner herself came forward to undertake that she will not enforce the power of attorney, he has no objection in granting anticipatory bail to the petitioner.

5.Considering the fact that the petitioner herself came forward to undertake that she will not enforce the power of attorney and will not encumber the property and in view of the fact that the civil suit is pending before the learned Principal District Munsif Court, Alandur, Chennai, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Exclusive Trial of Land Grabbing Case II, Allikkulam, 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 and on further condition that:

(a) the petitioner shall not enforce the power of attorney dated 10.06.2014 and not to encumber the property;

(b)the petitioner 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 petitioner shall report before the respondent police as and when required;

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

(e)the petitioner 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 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]**; and;

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

-sd/-
08/04/2021

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 PRINCIPAL DISTRICT MUNSIF COURT,
ALANDUR, CHENNAI.

2 THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF
LAND GRABBING CASE II, ALLIKKULAM, EGMORE,
CHENNAI,

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
XVI A TEAM,
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI.

+2 CC to M/S.V.VARGEES AMAL RAJA Advocate on payment of
necessary charges SR.NO.4580

CRL OP.3713/2021

Date :08/04/2021

TA-21/04/2021

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