

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirty First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6092 of 2021

T.RAMADASS

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL,
KANCHEEPURAM

[RESPONDENT]

For Petitioner : M/S.R.KARTHIK Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 448, 384, 379 and 506(2) of IPC Section 3(1) of the Public Property (Prevention of Damage and Loss) Act 1992, and Section 4 of the TN Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.43 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. Totally, there are 9 accused persons involved in this crime and the petitioner is arrayed as A1. The case of the prosecution is that the defacto complainant's husband agreed to sell his property and received a sum of Rs.40,00,000/- advance from the petitioner in the year 2015. subsequently, he has received another sum of Rs.20,00,000/- in the month of February 2020. Thereafter, the defacto complainant's husband died, the petitioner along with other accused persons had compelled the defacto complainant to execute the sale deed and also criminally intimidated her. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that there was a civil dispute

between the parties. He would further submit that admittedly, the defacto complainant's husband has received a sum of Rs.60,00,000/- from the petitioner and now, she refused to execute the sale deed and when they demanded money a false case has been foisted. He would further submit that there is no previous case pending as against the petitioner. Hence, he prays for grant of anticipatory bail to the other petitioner.

4. The learned Additional Public Prosecutor submitted that there was a civil dispute pending between the parties. He would further submit that the petitioner along with other accused persons had compelled the defacto complainant to execute the sale deed and criminally intimidated her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and that it is a civil dispute between the parties and the defacto complainant's husband agreed to sell his property and received a sum of Rs.60,00,000/- as part sale consideration, so far no sale deed has been executed to the petitioner, and there is no previous case pending as against the petitioner, 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 Principal Sessions Judge, Kancheepuram, Chengalpattu, 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/-
31/03/2021

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 PRINCIPAL SESSIONS JUDGE,
KANCHEEPURAM, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL,
KANCHEEPURAM

CC to M/S.R.KARTHIK Advocate on payment of necessary charges
SR.NO.4398

CRL OP.6092/2021

Date :31/03/2021

rvr 16/04/2021