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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.4831 of 2020

S.C.Bose

... Petitioner

Versus

State represented by
The Inspector of Police,
M4 Redhills Police Station,
Chennai.
(Crime No.529 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of apprehending arrest in the Crime No.529 of 2019 on the respondent Police.

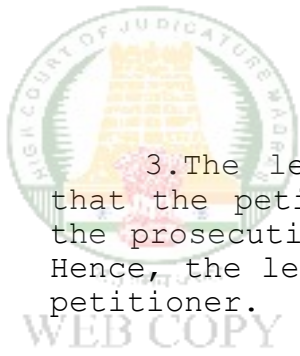
For Petitioner : Mr.M.Madhan Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(b), 465, 468, 448 and 420 IPC in Cr.No.529 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused persons sold the property in favour of the defacto complainant in S.F.No.660, admeasuring an extent of 684 sq.ft during the year 2007. Thereafter the defacto complainant has filed an application before the revenue authorities for change of mutation of revenue records in the year 2011. The revenue authorities had dismissed the application by stating that there was an incorrect measurement of land in the document, compared to the rough sketch of the land with the revenue department and in the sketch, it was shown that Plot No.54A has come under S.F.No.661. However the petitioner has sold the property as if the said plot was situated at S.F.No.660. Having known about these facts, the defacto complainant has lodged a complaint before the learned Judicial Magistrate No.II, Ponneri and the matter was referred for mediation.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there is a land dispute between the parties and the investigation is pending and there is no previous case pending against the petitioner.

5. Considering the nature of case that the sale transaction was of the year 2007, application for patta was of the year 2011 and the complaint was nearly after a period of 12 years and further the fact that there is no previous case against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District, 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 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]; and;



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

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-sd/-
21/06/2021

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.II,
PONNERI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M4 REDHILLS POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M.MADHAN KUMAR Advocate on payment of necessary charges SR NO.6703

CRL OP.4831/2020

Date :21/06/2021

MK:15/07/2021