

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.5702 of 2021

S.Annapoorni

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Anti Land Grabbing Special Cell - II,
Team - 12, Central Crime Branch,
Veppery, Chennai - 600 007.
(Crime No.71 of 2014)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to grant anticipatory bail to the petitioner herein in the event of arrest in Crime No.71 of 2014 on the file of the respondent.

For Petitioner : Mr.M.Mohammed Hasain

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

O R D E R

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 419, 420, 465, 468, 471 r/w 109 of I.P.C. in Cr.No.71 of 2014 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 and A1 to A3 impersonated as owner of the property and executed sale deed in favour of A4 who in turn executed sale deed in favour of A7. A7 in turn executed sale deed in favour of the petitioner's husband.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that originally, the property was purchased by the petitioner's husband in the year 2005 and thereafter, her husband passed away and the petitioner has constructed a house in the property during the year 2014. Recently,

there was threat and hence, apprehending arrest, the petitioner has filed this petition.

4.The learned Government Advocate (Criminal Side) did not dispute the facts submitted by the learned counsel appearing for the petitioner.

5.Considering the fact that alienation of the property was during the year 2005 and house was also constructed and the case was registered in the year 2014, 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 learned Metropolitan Magistrate (CCB and CBCID), Egmore, Chennai - 600 008, 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. for a period of two weeks and thereafter 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]; and;

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

-sd/-

24/06/2021

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 METROPOLITAN MAGISTRATE
(CCB AND CBCID), EGMORE,
CHENNAI 600 008.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL-II,
TEAM-12, CENTRAL CRIME
BRANCH, VEPPERY, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.MOHAMMED HASAIN Advocate on payment of necessary charges

CRL OP.5702/2021

Date :24/06/2021

RVR 13/07/2021

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