

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6901 of 2020

A.Gopinath

.. Petitioner

Vs.

The State rep. By
The Inspector of Police
CCB-I, Team XVIA, Chennai.
Cr.No.30 of 2020.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.30 of 2020, on the file of the respondent police.

For Petitioner : Mr.Arun Anbumani

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under Sections 465, 467, 471, 468, 34 and 120 B of IPC, in Crime No.30 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally four accused in this case, the petitioner is ranked as A4. The defacto complainant is the owner of the property. A1 to A3 created forged documents and A1 is said to have entered into a settlement deed in favour of A2 on 13.05.2019 and that subsequently, the 2nd accused executed a General Power of Attorney dated 10.06.2019 in favour of A3. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a land broker and mediated between the parties. Now it is also stated that A1 and A2 has also cancelled the settlement deed. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A4 and the petitioner is a land broker and created a forged document. A1 and A2 are the main accused, now the alleged forged settlement deed was cancelled, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case that the petitioner is only a land broker and mediated between the parties, now the document has also cancelled, 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, within a period of fifteen days from the date on which the order copy made ready, before the learned Magistrate, Special Court-II for Land Grabbing Cases at Allikulam, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 report before the respondent Police once in a week i.e., every Monday 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

04/01/2021

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 METROPOLITAN MAGISTRATE,
SPECIAL COURT-II FOR LAND GRABBING CASES,
ALLIKULAM, EGMORE, CHENNAI.

2 THE CHEIF METRROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB-I, TEAM XVIA,
CHENNAI.

+1 CC to M/S.ARUN ANBUMANI Advocate on payment of necessary charges SR NO. 49

सत्यमेव जयते

CRL OP.6901/2020

Date :04/01/2021

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