

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.7916 of 2021

R.Anandakumaran

... Petitioner

Vs.

The Inspector of Police,
Team XVI, Central Crime Branch,
Vepery, Chennai - 600 007.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.81 of 2021 on the file of the respondent herein (i.e) The Inspector of Police, Team XVI, Central Crime Branch, Vepery, Chennai.

For Petitioner : Mr.T.Karunakaran

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

For Intervenor : Mr.P.K.Ganesh

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 447, 465, 467, 506(ii), r/w 34, 120 B of IPC, in Crime No.81 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons have illegally conspired and attempted to grab the property belonging to the defacto complainant. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is a tenant and civil suit is pending. He further submit

that there is no previous case pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused persons have illegally conspired and attempted to grab the property belonging to the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor submitted that the petitioner along with other accused persons have illegally conspired and attempted to grab the property belonging to the defacto complainant. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and there was a civil dispute and the suit is pending, there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Special Metropolitan Magistrate, Special Court for Exclusive Land Grabbing Cases-II, 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 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.

© 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 petitioners 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/-
17/06/2021

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

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
TEAM XVI, CENTRAL CRIME BRANCH, VEPERY,
CHENNAI - 600 007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. T.KARUNAKARAN Advocate on payment of necessary charges
SR.NO. 6623

सत्यमेव जयते

CRL OP.7916/2021

Date :17/06/2021

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