

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.8485 of 2021

C.Tamilvanan

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

CCB-2, Team-25,

Anti Land Grabbing Special Team-2,

Vepery, Chennai - 600 007.

(Crime No.1 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police in connection with the Crime No.1 of 2021 in F.I.R No.1 of 2021 on the file of the respondent police, Chennai.

For Petitioner : Mr.D.Saravanan

For Respondent : Mr. T. Shunmugarajeswaran
Government Advocate

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, 465, 467, 468, 471 r/w. 37 of I.P.C in Cr.No.1 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 in the case is the brother of the defacto complainant. The case is that the actual owner of the property executed general power of attorney in favour of her husband and thereafter, she died. After her death, suppressing her death and using the general power of attorney, the accused sold the property. The allegation against the petitioner is that he stood as witness.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution.

4.Heard the submissions made by the learned Government Advocate.

5.Considering the facts and circumstances of the case, 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 learned Judicial Magistrate No.1, Poonamallee 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 one month 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/-
12/05/2021

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.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB-2, TEAM-25,
ANTI LAND GRABBING SPECIAL TEAM-2,
VEPPER, CHENNAI-600 007.

+1 CC to M/S.D.SARAVANAN Advocate on payment of necessary
charges SR.NO.6128

CRL OP.8485/2021

Date :12/05/2021

TA-11/06/2021



WEB COPY