

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.8549 of 2021

Rajendran

.. Petitioner

Vs.

The State rep. by

The Inspector of Police
Anti Land Grabbing Cell,
CCB, Chennai.

Crime No.84 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner in the event of his arrest by the respondent police in Cr.No.84 of 2020 on the file of the respondent police.

For Petitioner : Mr. G. Mohana Krishnan

For Respondent : Mr. T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 419, 465, 467, 468 and 471 r/w. 120-B IPC, in Crime No.84 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. Totally there are 5 accused in this case and the petitioner is A1. The case of the prosecution is that the petitioner, who is none other than the son in law of the defacto complainant, colluded along with the other accused created a bogus sale deed in respect of the property belongs to one Selva Vinayakam(deceased), who is the son of the defacto complainant, and sold the property to one Mahender as if the said Selva Vinayakam executed the sale deed.

3.The learned counsel appearing for the petitioner would submit that the sale deed was executed in the year 2003 and after a long period of 17 years, now the present case has been foisted as against the petitioner due to previous enmity. He would further submit that the petitioner is only a witness to the said sale deed. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused executed a sale deed in favour of one Mahender by creating forged document. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that the petitioner is only a witness to the document, 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 Judicial Magistrate-I, Alandur, 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 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].

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

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
CCB, CHENNAI.

+1CC to M/S. G.MOHANA KRISHNAN Advocate on payment of
necessary charges SR NO.6067

CRL OP.8549/2021

Date :12/05/2021

MK:15/06/2021

WEB COPY