

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.8668 of 2021

1. V. Meeradevi
2. B. Prabakaran
3. C. Samuel
4. G. Jayarani
5. M. Dakshinamoorthy
6. S. Suresh

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
Team-23, ALGSC-II, (Land Grabbing-II)
Central Crime Branch, Vepery,
Chennai- 7
Crime No.34 of 2021

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners in the event of their arrest by the respondent police in Cr.No.34 of 2021 on the file of the respondent police.

For Petitioners: Mr. R. Perumalswamy

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 447, 465, 467, 468, 471 and 120(B) of IPC, in Crime No.34 of 2021, on the file of the respondent police, seek anticipatory bail.

2. Totally there are 7 accused in this case and the petitioners are arrayed as A2 to A7. The case of the prosecution is that A1 in this case is the land owner of plot no.17 and the said land was acquired by the Government for laying a road. Suppressing the said fact, A1 has obtained patta with the help of Revenue and Survey Officials as if Plot No.16 is Plot No.17 and sold a part of the property to one Prabhakaran and Dhakshnamoorthy.

3.The learned counsel appearing for the petitioners would submit that the already the defacto complainant has filed a suit in O.S.No.127 of 2009 against A1 in respect of plot No.16 before the Hon'ble District Munsif, Ambattur, Chennai and the same was also dismissed on 25.10.2017. Suppressing the said dismissal, the defacto complainant filed another suit in O.S.No.83 of 2020 and the same is pending. Now, a false case has been foisted as against A1 and the petitioners. He would further submit that A1 was released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that A1 has obtained patta with the help of Revenue officials as if plot No.16 is Plot No.17. Now, the Tahsildar gave a report stating that patta was issued mistakenly. Meanwhile, he has created encumbrance. Section 41-A notice was also received by the petitioners. 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 main accused in this case was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Poonamallee, Chennai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners 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].

[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-I,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
TEAM-23, ALGSC-II, (LAND GRABBING-II)
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI-7.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.PERUMALSWAMY Advocate on payment of necessary charges

WEB COPY

CRL OP.8668/2021

Date :12/05/2021

MN-06/07/2021