

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

CrI.O.P.No.9762 of 2021

G.Vadivel

... Petitioner

Vs.

State Rep by its,
Inspector of Police,
Prevention of land grabbing,
District Crime Branch,
Krishnagiri District, Krishnagiri
(Crime No.Not Known 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 in Crime No.(Not Known) of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

ORDER

(The case has been heard through video conference)

Captioned Criminal Original Petition has been filed under Section 438 of 'The Code of Criminal Procedure, 1973' ['Cr.P.C.', for the sake of brevity] with a prayer for anticipatory bail as the petitioner apprehends arrest for the alleged offences / alleged offences punishable under Section 420 of 'The Indian Penal Code, 1860' ('IPC' for the sake of brevity) vide Crime No.Not Known of 2021, on the file of the Inspector of Police, Prevention of land grabbing, District Crime Branch, Krishnagiri District, Krishnagiri.

2. In this virtual Court, Mr.M.P.Saravanan, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of respondent were heard.

3. This matter pertains to immovable property in the form of 'agricultural land' (herein after 'said land' for convenience). Learned counsel for petitioner submits that the said land was originally owned by petitioner's mother which was settled in favour of the petitioner, but this Court does refrains itself from

expressing any opinion on the same in this order owing to the limited scope of the captioned matter. The de-facto complainant is the petitioner's nephew, i.e. brother's son and the complaint is that the petitioner has alienated entire said land without any right to do so. The de-facto complainant's case is that he is entitled to a share in the said land and his share has been by-passed and alienated. This Court is informed that the petitioner has five siblings [six in all].

4. The learned State Counsel submits that petition enquiry is under way and the same is now going slow owing to the Covid-19 situation. This Court is informed that all the members of the family attended the enquiry on 28.04.2021.

5. In the light of the nature of the alleged complaint and taking into account of other facts and circumstances narrated supra, this Court considers this to be a proper case for grant of anticipatory bail. This Court is inclined to accede to the prayer for anticipatory bail subject to the conditions adumbrated infra.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the **learned Judicial Magistrate, Special Court for land grabbing cases, Krishnagiri**, 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) towards the Covid Relief Fund, in favour of the District Medical Officer, Krishnagiri;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) if there is 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 per P.K.Shaji principal being law laid down by Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**;

and

(g) though obvious, it is made clear that, if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-
04/06/2021

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 JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PREVENTION OF LAND GRABBING,
DISTRICT CRIME BRANCH,
KRISHNAGIRI DISTRICT.

5 THE COVID RELIEF FUND,
DISTRICT MEDICAL OFFICER,
KRISHNAGIRI.

CC to M/S M.P.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9762/2021

Date :04/06/2021

TA-06/07/2021