



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NOS.11599 & 11621 of 2021

1 SUDHAKARA MENON

[PETITIONERS / ACCUSED]
IN CRL.OP.NO.11599/2021

2 MAVUPADI VENUGOPAL

IN CRL.OP.NO.11621/2021

Vs

1 THE SUPERINTENDENT OF POLICE,
KANCHEEPURAM,
KANCHEEPURAM DISTRICT,

[RESPONDENTS/COMPLAINANT]
[IN BOTH THE PETITIONS]

2 THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL,
O/O THE SUPERINTENDENT OF POLICE,
KANCHEEPURAM.
(CRIME NO.642/2012)

For Petitioner : M/S.N.BASKARAN Advocate [IN BOTH THE PETITIONS]

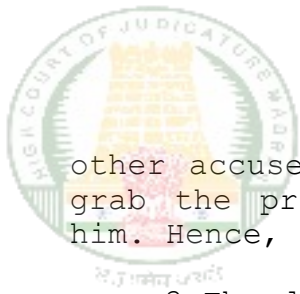
For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 406, 464, 465, 471, 506(ii) of IPC, in Crime No.642 of 2012, on the file of the respondent police, seek anticipatory bail.

2. There are totally 11 accused persons involved in this case. The case of the prosecution is that the defacto complainant is the original owner of the property. Further, the petitioners along with



other accused persons had created fake General Power of Attorney and grab the property belonging to the defacto complainant and cheated him. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submit that the case was registered in the year 2012 by the respondent police, however, co-accused enlarged on bail. He further submits that the petitioners subsequently purchaser purchased from A1 and A2. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that co-accused enlarged on bail and there is no previous case pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned Judicial Magistrate No-1, Alandur, on condition that the petitioners shall execute a separate 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

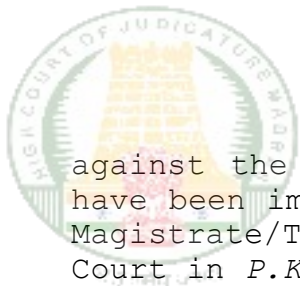
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the 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]*; and;

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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

02/08/2021

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.1,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT OF POLICE,
KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL,
O/O THE SUPERINTENDENT OF POLICE,
KANCHEEPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.BASKARAN Advocate on payment of necessary charges

CRL OP.NOs.11599 & 11621/2021

Date :02/08/2021

CSK 23/08/2021