



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.17082 of 2021

D.Parameshwari

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Team XVI, Central Crime Branch,
Vepary, Chennai - 600 007.
(CRIME NO.78 OF 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioner on bail in the event of arrest by the respondent police pending investigation in Crime No.78 of 2019.

For Petitioner : Mr.D.Chandra Sekar

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Criminal Side)

ORDER

The Petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471 r/w Section 34 IPC, seeks anticipatory bail.

2. The case of prosecution is that defacto complainant is the power of attorney of the original owner of the disputed properties. It is alleged that the petitioner created fake documents for the said land and attempted to encroach and sell the properties to the third parties without any right. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has been living in the said property without any legal disturbance for the past 60 years. So legally the petitioner is claiming the possesssionary right. He further submitted that the defacto complainant already made a complaint against the petitioner in the year 2006 and the petitioner moved an anticipatory bail petition before this Court and he was also granted anticipatory bail vide Crl.O.P.No. 18122 and 2006 and Crl.O.P.No.19684 of 2006 dated 24.07.2006 and 02.08.2006 respectively. Now the present complaint has been filed with the same set of allegations. Hence, he sought for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that the defacto complainant is the power of attorney of the original owner of the disputed properties. He further submitted that there are totally six accused and they created a fake document and attempted to sell the properties to the third parties without any right. He further submitted that this Court granted interim protection till 06.08.2019 on condition that the petitioner shall cancel the released deed, rectification deed and settlement deed executed by him. But now the petitioner has not canceled the said deeds and also denying the entire allegations. Therefore, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. During the last hearing, it was represented by the learned counsel for the petitioner, that the petitioner is ready and willing to cancel the deeds which were executed by him. Therefore, this Court granted interim protection to the petitioner on condition that the petitioner shall cancel the released deed, rectification deed and settlement deed executed by the accused person on or before 06.08.2019.

6. The learned counsel for the petitioner would submit that the petitioner is ready to cancel the release deed, rectification deed and settlement deed executed by the accused person. Even then, the concerned registrar refused to register the document. Thereafter, A1 and A3 were arrested and released on bail. The petitioner is being a woman, even after dismissal of the anticipatory bail by an order dated 06.08.2019 till today the respondent did not take any steps to secure the petitioner. Therefore, the entire investigation is stalled. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate, Exclusive Trial for Land Grabbing Court - II, Allikulam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 petitioner and the sureties shall affix their 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. and 05.30 p.m. for a period of four weeks, thereafter as and when required.



[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/-

22/09/2021

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 METROPOLITAN MAGISTRATE,
EXCLUSIVE TRIAL FOR LAND GRABBING COURT-II,
ALLIKULAM.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TEAM XVI, CENTRAL CRIME BRANCH,
VEPARY, CHENNAI-600 007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. D.CHANDRA SEKAR Advocate on payment of necessary charges SR.NO.10423

CRL OP.17082/2021

Date :22/09/2021

CSK 29/09/2021

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