

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18069 of 2020

1 BABU @ DURAIRAJAN
2 V.RAMANUJAM
3 V.THAYVANDRAN

[PETITIONERS/ACCUSED]

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
KALLAVI POLICE STATION,
UTHANKARAI, KRISHNAGIRI DISTRICT.
CRIME NO.877/2020

[RESPONDENT/COMPLAINANT]

For Petitioners : M/S.S.KINGSTON JEROLD Advocate

For Respondent : MR.S.KARTHIKEYAN Additional Public Prosecutor

For Intervenor : M/S.M.RAJASEKHAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 420, 447, 426, 465, 467, 468, 107, 109 and 505(2) of IPC in Crime No.877 of 2020, on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that, the petitioner prevented the defacto complainant from surveying the property. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The learned counsel further submitted that the defacto complainant had sold the property to various people including the petitioner through unregistered documents and settled the property to his brother. The property was sold to several persons and consturcted super structure. Now, the defacto complainant and his brother, who is said to be a retired District Judge with an intention to cheat the buyers foisted the present complaint. Hence, he seeks for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor would submit that investigation is still pending.

6.The learned counsel for the intervenor submitted that the defacto complainant passed away.

7.Considering the facts and circumstances of the case and also that investigation is still pending, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Uthankarai, within a period of 15 days from the date of receipt of a copy of this order, on executing 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 and on further conditions 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 as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 229-A IPC.

-sd/-

16/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TO

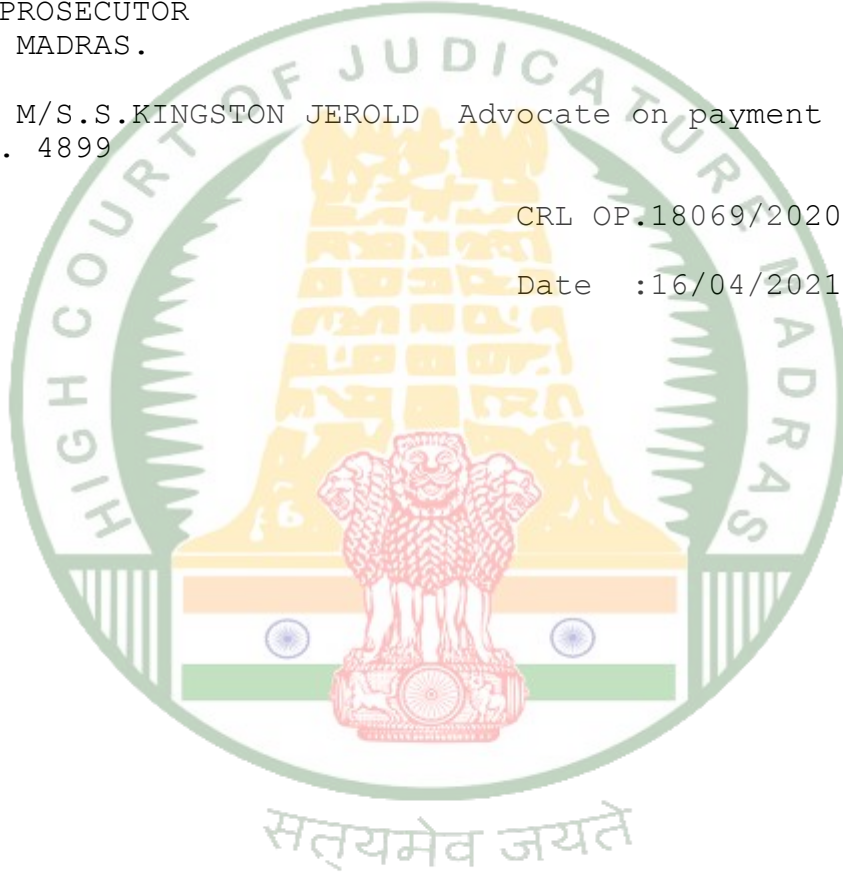
1. THE JUDICIAL MAGISTRATE,
UTHANKARAI.
2. THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. (FOR INFORMATION)
3. THE INSPECTOR OF POLICE,
KALLAVI POLICE STATION,
UTHANKARAI, KRISHNAGIRI DISTRICT.
4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.KINGSTON JEROLD Advocate on payment of necessary charges SR NO. 4899

CRL OP.18069/2020

Date :16/04/2021

TK/27.04.2021



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