

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

Tuesday, the Twenty Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.18203 of 2020

K.SHANAWAS KHAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KANCHEEPURAM POLICE STATION,
(LAND GRABBING CELL).

[RESPONDENT]

For Petitioner : M/S.S.SAI SHANKAR Advocate

For Respondent : MR.S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 419, 465, 468, 471, 420, 34 of I.P.C in Crime No.22 of 2019, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are 3 accused in this case and the petitioner herein is A3. The case of the prosecution is that A2 impersonated that he is the owner of the alleged property executed power of attorney in favour of A1, who in turn sold the property to A3/ Petitioner and thereby cheated the defacto complainant, who is the owner of the property. Hence, the defacto complainant filed a complaint stating that the petitioner along with other accused entered into a criminal conspiracy and created some forged documents and transferred the land to the name of the A1.

3. The learned counsel for the petitioner would submit that A1 and A2 in this case have produced some documents to him and the petitioner was not aware of the fact that the said documents are forged one and purchased the property. He would further submit that the petitioner had filed a suit in O.S.No. 96 of 2019 on the file of District Judge II at Kanchipuram and the defacto complainant has also filed a suit in O.S.No.127 of 2019 before the very same Court. He would further submit that the petitioner is the bonafide purchaser of the property. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused colluded with each other and created forged documents and transferred the property of the defacto complainant to the petitioner's name and cheated the defacto complainant. He would further submit that A1 and A2 in this case were arrested and released on bail. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is claiming to be a bonafide purchaser of the property and said to have paid the entire sale consideration for purchasing the property, the civil suits filed by both the parties are pending, and A1 and A2 in this case were arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate, Kancheepuram, on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent Police as and when required for interrogation.

[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.

With the above directions, this Criminal Original Petition is ordered.

-sd/-

23/03/2021

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,
KANCHEEPURAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
KANCHEEPURAM DISTRICT. (FOR INFORMATION)
3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE,
KANCHEEPURAM POLICE STATION,
(LAND GRABBING CELL).

CC to M/S. S.SAI SHANKAR Advocate on payment of necessary charges

CRL OP.18203/2020

Date :23/03/2021

TK/19.04.2021

सत्यमेव जयते

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