



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18707 of 2021

M.S.KATHIRVELU

[PETITIONER/ACCUSED]

Vs

STATE REP.BY:
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH
(LAND GRABBING)
VEPERY, CHENNAI.
CRIME NO.468 OF 2015

[RESPONDENT]

For Petitioner : M/S.DURAI GUNASEKARAN, Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 419, 465, 467, 468, 471, 120(b) of IPC in Crime No.468 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that originally the disputed property owned by one Kannaiyan and the said Kannaiyan executed a sale deed in favour Padmachariyar in the year 1953. Thereafter, the said Padmachariyar executed a power of attorney in favour of one Jayalakshmi who is resident of Kerala in the year 1955. On the same year, based on the power of attorney, the said Jayalakshmi executed a sale deed in favour of Nandakumar. Again, the said Nandakumar executed sale deed in favour of one Gnanasammantham in the year 1973.



The said Gnanasammantham executed an unregistered Will in favour of the defacto complainant in the year 1980. However, the accused impersonated one Gnanasammantham, executed a sale deed in favour of Kathirvelu in the year 1980. Thereafter, the said Kathirvelu, who is the petitioner herein, executed a sale deed in favour of AGS Colony Welfare Association and Chennai Metropolitan Cooperative Society in the year 1983. Thereby, the defacto complainant lodged a complaint against the petitioner before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as stated by the prosecution. Though the defacto complainant claims that she is the wife of one Gnanasammantham and she is not his wife. Further the defacto complainant claimed the property through unregistered Will. A false complaint has been registered against the petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that admittedly the sale deed was executed in favour of Kathirvelu and thereafter, he executed a sale deed to AGS Colony Welfare Association and Chennai Metropolitan Cooperative Society in the year 1983. The learned Government Advocate further submitted that investigation is still pending and hence, he objected to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also submission made on either side, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases, Chennai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 Court concerned 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 everyday at 10.30 AM until further order;

(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]; and;

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

-sd/-

07/10/2021

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
FOR EXCLUSIVE TRIAL OF CCB CASES, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH (LAND GRABBING)
VEPERY, CHENNAI.

CC to M/S.DURAI GUNASEKARAN, Advocate on payment of necessary charges SR.NO.11162

CRL OP.18707/2021

Date :07/10/2021

RW 25/10/2021