



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice TV. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20132 of 2021

LAKSHMIPATHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THIRUVALLUR DISTRICT ANTI LAND
GRABBING SPECIAL BRANCH,
THIRUVALLUR DISTRICT.
CRIME NO. 27/2020.

[RESPONDENT]

For Petitioner : M/S. T.MURUGANANTHAM Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Cr1.Side)

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 419, 420, 468, 471 of IPC in Crime No.27 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had purchased a house site to an extent of 1240 sq.ft. Situated at Perumal Pattu Village, Thiruvallur Taluk and District by way of sale deed dated 16.02.2009. The petitioner along with other accused had created bogus ID of the defacto complainant and using this ID, they impersonated and conveyed the vacant site of the defacto complainant. Hence, this complaint has been lodged.



3.The learned counsel appearing for the petitioner submitted that the petitioner is aged about 71 years and he is an innocent person and he has been falsely implicated in the case. He further submitted that co-accused/Sampath, who is the document writer, had granted anticipatory bail by this Court in CrI.O.P.No.7380 of 2021 on 08.03.2021. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) raised objections and submitted that, by creating forged ID of the defacto complainant, the petitioner along with other accused impersonated and conveyed the vacant land of the defacto complainant. The petitioner is the witness of the power of attorney. He further submitted that the investigation is still pending. There is no previous case against the petitioner.

5.Considering the facts and circumstances of the case and taking note of the fact that there is no previous case against the petitioner and the co-accused was granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 Judicial Magistrate No.II, Thiruvallur, 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 appear 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]; and;

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

-sd/-

11/11/2021

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.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVALLUR DISTRICT ANTI LAND
GRABBING SPECIAL BRANCH,
THIRUVALLUR DISTRICT.

+1 CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO.12739

CRL OP.20132/2021

Date :11/11/2021

RW 15/11/2021