



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.20893 of 2021

1. Raman @ Kallukararaman

**(\*) S/O.VELLAI**

2. Govindasamy

3. Kali

**(\*) S/O.VELLAI**

4. Selvam

5. Kuttinasi

... Petitioners

Versus

State Rep by  
The Inspector of Police  
Yelagiri Police Station,  
Thirupathur District.  
(Crime No.89 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.89 of 2021 pending investigation on the file of the respondent police.

|                 |   |                                                                                    |
|-----------------|---|------------------------------------------------------------------------------------|
| For Petitioners | : | Mr.M.Premkumar                                                                     |
| For Respondent  | : | Mr.N.S.Suganthan<br>Government Advocate (Crl. Side)<br>[IN CRL.O.P.No.20893/2021]  |
|                 | : | MR. A.GOKULAKRISHNAN,<br>Additional Public Prosecutor<br>[IN CRL.MP.NO.12858/2021] |

ORDER

The petitioners, who apprehends arrest for the alleged offence under Sections 447, 465, 468, 471, 506(ii) and 120B of IPC in Cr.No.89 of 2021 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the first petitioner created a forged document on the defacto complainant's land and settled it to his son/ 2nd petitioner and constructed a house which leads to a collision. Thereby, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners having a land dispute from 1978 with the defacto complainant to which the civil suit is pending before the lower court. He continued that the defacto complainant lodged false complaint in name of land grabbing and the petitioners have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the first petitioner created a forged document on the defacto complainant's land and settled it to his son/2nd petitioner and constructed a house and the other petitioners were also involved in creating the forged document. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that there was already civil dispute between the parties in suit of O.S.No.421 of 1978 subsequently, with regard to the alleged document, there is civil suit No.812 of 2015 on the file of the District Munsif Court, Tirupathur District against the defacto complainant, the alleged occurrence said to be happened in the year 2015 and since the case is civil in nature between the parties, this Court inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thirupathur District on condition that the petitioners 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 and on further condition that:

(a)the petitioners 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 petitioners are before the respondent police on every friday at 10.30 a.m. until further orders;



(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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/-  
15/11/2021

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.

**[\*]Amended as per order of this court dated 07/12/2021 made in Crl.MP.NO.12858/2021 in Crl.O.P.No. 20893/2021**

TO

1 THE JUDICIAL MAGISTRATE,  
NO.III, THIRUPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
YELAGIRI POLICE STATION,  
THIRUPATHUR DISTRICT.



4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. M.PREMKUMAR Advocate on payment of necessary  
charges SR.No.14197

CRL OP.20893/2021

Date :15/11/2021

APN 23/11/2021

RW 13/12/2021