



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22454 of 2021

R.Saravanan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Central Crime Branch -I, Vepery,
Egmore, Chennai - 600 008.
(Crime No.67 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event on his arrest in crime No.67 of 2021, on the file of the respondent police.

For petitioners : Mr.S.Mohanraj

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 465, 467, 468, 471 r/w 34 of IPC, in Crime No.67 of 2021, seeks anticipatory bail.

2.Heard both sides.

3. The case of the prosecution is that the defacto complainant and her daughters purchased 3 plots viz., plot Nos.1021, 1019, 1022 and 1023 at VIIIth Main Road, Ram Nagar, Madipakkam in Survey No.115 in the year 1995 ad measuring total extent of 9660 Sq.ft and they were in undisputed, interrupted and continuous possession of the same from the date of purchase. It is alleged that during the month of September 2019 while the defacto complainant constructing the compound wall in their plots at that time the 1st petitioner and his hench men has created forged document and grab the entire property of the defacto complainant. Hence, the complaint was registered.



4. The learned counsel for the petitioner submits that the petitioner has purchased a property in Document No.2285 of 1962 to the extent of 9660 Sq.ft in respect of plot No.1023. The defacto complainant had filed a suit in O.S.No.428 of 2019 before the Additional Munsiff, Alandur. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) would submit that the petitioner has created a forged document and grabbed the property belongs to the defacto complainant. The petitioner/A1 has already been arrested and released on bail. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the nature of offence and the submissions made by both the counsels and taking note of the fact that, pendency of civil suit and the co-accused has already been arrested and released on bail, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is 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 Land Grabbing Metropolitan Magistrate No.II, Allikualm, Egmore, Chennai - 600 008, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m., for a period of four weeks and thereafter 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

26/11/2021

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 LAND GRABBING METROPOLITAN
MAGISTRATE, NO.II, ALLIKULAM, EGMORE,
CHENNAI-600 008.

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

3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH-I, VEPERY,
EGMORE, CHENNAI-600 008

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.22454/2021

Date :26/11/2021

RW 02/12/2021