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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23542 of 2021

G.Raj Kishor

... Petitioner

Versus

State Rep by
The Inspector of Police,
Anti-Land Grabbing cell,
Coimbatore District.
(Crime No.41 of 2014)

... 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.41 of 2014 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.Ramkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 420, 409, 468, 471 of IPC, in Crime No.41 of 2014 seeks anticipatory bail.

2.The case of the prosecution is that there was an agreement between the petitioner and the defacto complainant. As per the agreement the petitioner is entitled for 60% and the defacto complainant is entitled for 40% share in the property. Now, it is alleged that the construction was completed and the petitioner is refusing to give the defacto complainant's share. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submitted that the arbitration also initiated in Ac.1 of 2018. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering that the alleged occurrence is said to be happened in the year 2014, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Special Court for Anti Land Grabbing Cell, Coimbatore on condition that the petitioner shall execute a bond for 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner are directed to appear before the respondent police on every Wednesday until further orders.

[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.

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-sd/-

10/12/2021

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 SPECIAL COURT FOR ANTI
LAND GRABBING CELL, COIMBATORE.

2 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. C.RAMKUMAR Advocate on payment of necessary
charges SR.NO.14542

CRL OP.23542/2021

Date :10/12/2021

RW 16/12/2021