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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23844 of 2021

1.KARNAL ... Petitioners
(*) 2.SAMU @ SAMUVEL @ SEKAR
3.PREMA
4.MURTHY

Vs.

State represented by ...Respondent
The Inspector of Police
District Crime Branch
Anti Land Grabbing Special Cell
Vellore, Vellore District.
Crime No.14 of 2021

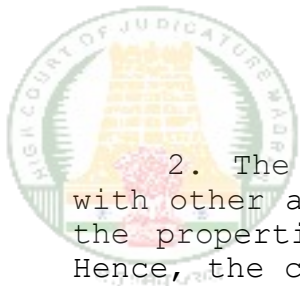
Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioners on bail in the event of their arrest in Crime No.14 of 2021 on the file of the respondent police.

For Petitioners : Mr.V.Lakshmi Narayanan for
Mr.E.Kannadasan
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 448, 465, 446, 466, 468, 471, 474, 294(b), 506(i) of IPC, in Crime No.14 of 2021, seek anticipatory bail.



2. The case of the prosecution is that the petitioners along with other accused created forged documents and made encumbrance over the properties of the defacto complainant and also threatened him. Hence, the complaint.

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3. The learned Counsel for the petitioners would submit that the petitioners are the purchasers of the properties and they were in possession and enjoyment of the properties. While so, the defacto complainant and his henchmen came to the petitioners' properties claiming that they are the owners of the properties. Hence, the petitioners approached the learned Principal District Judge, Vellore, Vellore District and filed a suit against the defacto complainant and his brothers and the said is pending in O.S.Nos.82/2019, 83/2019 and 84/2019. He would further submit that the defacto complainant had earlier approached the Inspector of Police, Vellore North Police Station and lodged a same set of complaint against the petitioners and the same was registered in Crime No.362 of 2021 on 30.07.2021 and subsequently, the petitioners were granted anticipatory bail. Therefore, the defacto complainant has again lodged a complaint against the petitioners with same set of allegations with ill motive. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating but admits that there is a civil suit pending between the parties.

5. Considering the facts and circumstances of the case and that there is a civil suit pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy is made ready, before the learned Judicial Magistrate-I, Vellore, on condition that the petitioners shall execute separate bonds 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners 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 petitioners 1, 2 and 4 shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.



The 3rd petitioner shall report before the respondent police as and when required for interrogation.

[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 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/12/2021

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.

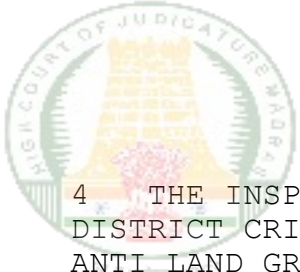
[*] Amended and Further, Two weeks time is extended to the petitioner to surrender and execute the sureties as ordered by this Court, from the date on which the order copy made ready, as per order of this Court dated 02/02/2022 made in CRL.MP.NO.985 OF 2022 in CRL.O.P.No.23844 of 2021.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
VELLORE DISTRICT

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+1 CC to M/S E.KANNADASAN Advocate on payment of necessary
charges SR.NO.1737

CRL OP.23844/2021

Date :09/12/2021

TA-20/12/2021

TA-11/02/2022