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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24212 of 2021

R.Surya

... Petitioner

Versus

State by
The Inspector of Police,
Team XV, Central Crime Branch,
Vepery, Chennai 600 007.
(Crime No.119 of 2021)

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.119 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 419, 465, 467, 468, 471 r/w Section 34 and 109 of IPC in Crime No.119 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint alleged that her property located at Pallikaranai was alienated vide sale deed dated 24.11.2020 by impersonating her by the Accused persons with an intention to grab her property. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that since A5 is the owner of the petitioner and he is signing the document without knowing the consequences, admittedly even on perusal of CD file as submitted by the prosecution he was



signed in the memorandum of deposit of title deeds. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner is one of the witness of the sale deed as well as the deposit of title deed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 before the **learned Special Metropolitan Magistrate - II (Land Grabbing Cases), Egmore**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 shall report before the respondent police daily at 10.30 a.m., 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]**; and;



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

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-sd/-
22/12/2021

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 METROPOLITAN MAGISTRATE,
NO.II, (LAND GRABBING CASES) EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TEAM XV, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI-600 007.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.15360

CRL OP.24212/2021

Date :22/12/2021

TA-28/12/2021