



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

CrI.O.P.No.24946 of 2021

K.Vasudevan

...Petitioner

Vs.

State by
Inspector of Police
District Crime Branch
Anti Land Grabbing Special Cell
Nagapattinam District
(Crime No.13 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.13 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.K.Subramanian

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.12.2021 for the offences under Sections 420, 465, 468, 471, 120B IPC, in Crime No.13 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the brother of A1. A1 had forged the signature of the defacto complainant and fabricated the Hibba document and executed a sale deed in favour of the petitioner/A2 and after receiving the sale consideration, A1 was dragging the registration and thereby, on the basis of the said sale deed, the petitioner/A2 had filed a suit in O.S.No.140 of 2020 on the file of the District Munsif Court, Sirkazhi, against A1 and the matter was settled in the Lok Adalat and an award was passed. Subsequently, the petitioner registered the Lok Adalath award in the Sub-Registrar Office, Sirkazhi, vide Document No.3056 of 2020 dated 01.12.2020 based on which, the petitioner/A2 entered into a sale agreement with one Pandiayan/A3 on 16.12.2020 and thereafter, cancelled the said agreement on 18.02.2021. Thereafter, the petitioner/A2 executed a settlement deed infavour of his wife/A4



and registered the same in document No.940 of 2021. In turn, the petitioner/A2 along with other accused fabricated the Gift Deed in favour of A4 to grab the property from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the purchaser of the property and he has been falsely implicated in this case due to the dispute between the defacto complainant and A1 and he has been suffering incarceration for 20 days from 01.12.2021. Hence, he would pray for grant of bail to the petitioner.

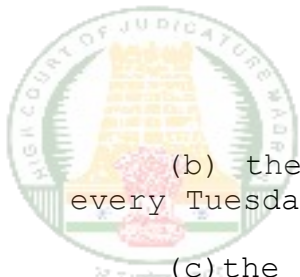
4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner/A2 had forged the Hiba document created by A1 and grabbed the property of the defacto complainant based on which, A1 executed a sale deed in favour of the petitioner and subsequently, A2 settled the property in favour of his wife. Apart from that they also filed a suit in O.S.No.140 of 2020 without the knowledge of the defacto complainant.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner had purchased the property under the bonafide impression that it belongs to A1 and he entered into the sale agreement on 09.01.2020. Thereafter, there was some dispute arose between them and thereby, the petitioner/A2 filed a suit in O.S.No.140 of 2020 on the file of the District Munsif Court, Sirkazhi, against A1 and later it was settled before the Lok Adalat and based upon the Lok Adalat award, he executed a settlement deed infavour of his wife and and registered the same in Document No.940 of 2021 and hence, he would pray for bail.

6. On seeing the facts and circumstances of the case and the fact that there is already a civil suit pending between A1 and the defacto complainant, in O.S.No.230 of 2020 before the Principal District Munsif, Sirkazhi and since, the case is civil in nature and also considering the period of incarceration undergone by the petitioner, that this court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate-I, Nagapattinam, and on further conditions 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 on every Tuesday and Sunday 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.

-sd/-

20/12/2021

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 JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM (FOR INFORMATION)

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM

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

CRL OP.24946/2021

Date :20/12/2021

RVR 21/12/2021