



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25481 of 2021

V.Manoharan

... Petitioner

Versus

The State represented by its
The Sub Inspector of Police,
District Crime Branch,
Tiruvannamalai.
(Crime No.10 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 arrest at the hands of the respondent in Crime No.10 of 2021, pending on the file of the Sub Inspector of Police, District Crime Branch, Tiruvannamalai.

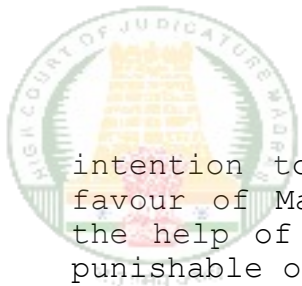
For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 465, 468, 471, 420, 506(1) of IPC in Crime No.10 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that she purchased the lands contained in Plot No.9 having 920 Square ft. and Plot No.10 having 870 Sq.ft and Plot No.11 having 420 sq.ft (the complaint reads as 2210 sq.ft) total extent comprised in S.No.154/5, 154/6 and 154/7A from the petitioner, the resident of Adi Annamalai Village. The above mentioned lands are vacant lands. Due to Covid she could not visit to inspect the property. When she approached the person who sold the property, he conveyed to the complainant that he sold that property again and without her knowledge on 25.05.2018 to one Manimaran. He threatened the complainant that as she is an outsider and she could not do anything. Further he threatened and intimidated that they could even sell the other plots in Plot No.9 and 10 and the defacto complainant could not restrain them. The said Manoharan conspired with ill



intention to attain unjust enrichment and executed a sale deed in favour of Manimaran along with the witnesses attested thereon, with the help of Registration Officials executed the sale deed and it is punishable one. Hence this case.

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3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner sold the property in the year of 2013 and subsequently he sold some item in the year of 2018, now the earlier vendor sold with encumbrance in the property and suppressed real ownership to this petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, on seeing the facts the alleged occurrence said to be happened in the year 2018, there is some civil nature, 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 District Munsif cum Judicial Magistrate, Tiruvannamalai, 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 on every Monday and Friday at 10.30 a.m., until further orders and co-operate for investigation;

(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/-

23/12/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVANNAMALAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.VENKATESAN Advocate on payment of necessary charges
Sr.15601

CRL OP.25481/2021

Date :23/12/2021

RVR 04/01/2022