



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Cr1.O.P.No.25636 of 2021

1. Sudhakaran @ Sudhakar
2. Tamilselvan,

.. Petitioners

Vs.

State rep by
The Inspector of Police
District Crime Branch,
Special Wing for Protection of Land Grabbing
Thiruvallur District.
Crime No.58 of 2021

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the Crime No.58 of 2021 on the file of the respondent.

For Petitioner : Mr.L.P. Shanmugasundaram

For Respondent : Mr.A.Gokulakrishnan
Government Advocate

O R D E R

The petitioner who was arrested for the offences under Sections 417, 420, 465, 468 and 471 of IPC r/w. 120(B) of IPC, in Crime No.58 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners have created false power of attorney and got patta while the Original power agent is S.T. Anandan and he is no more now. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are no way connected with the alleged occurrence. The 1st petitioner is working as Driver in the TNSTC, Villupuram Thiruvallur Depot and 2nd petitioner is the brother of the 1st petitioner. The petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner was arrested based on the complaint filed by the defacto-complainant. Investigation is on in this regard.

5. Having considered the facts and circumstances of the case, it is seen that 1st petitioner is the Government employee working as Driver in the TNSTC, Villupuram Thiruvallur Depot and is having two children one is four month old baby and another is seven years old and further, 2nd petitioner is the brother of the 1st petitioner, there may not be possibility of absconding. Hence, this Court is inclined to grant bail to the petitioners with certain conditions.

6. 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 District Munsif cum Judicial Magistrate, Uthukkottai 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 petitioners shall report before the Respondent Police on every Monday and Friday at 10.30 am until further orders.

(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]; 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

WEB COPY

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SPECIAL WING FOR
PROTECTION OF LAND GRABBING,
THIRUVALLUR

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to Mr.L.P. Shanmugasundaram Advocate on payment of
necessary charges Sr.15578

CRL OP.25636/2021

Date :23/12/2021

RVR 23/12/2021