

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION Nos.34700, 35028 & 35029 of 2019

JOHNSON

[PETITIONER / ACCUSED
IN CRL.O.P.No.34700/2019]

1 S.SYED SHOWKATHLLAH

[PETITIONERS / ACCUSED
IN CRL.O.P.No.35028/2019]

2 P.SABARI NATHAN

C.P.VIDHYA

[PETITIONERS / ACCUSED
IN CRL.O.P.No.35029/2019]

Vs

1 STATE BY INSPECTOR OF POLICE [RESPONDENT IN ALL THE PETITIONS]
(TEAM-XV), CENTRAL CRIME BRANCH,
VEPERY, CHENNAI. 600 007
CR.NO.234/2019 respectively

[*]2 THE COMMISSIONER, [RESPONDENT / COMPLAINANT]
CORPORATION OF CHENNAI.
RIPPON BUILDING,
CHENNAI-600 003.

R2 is Suo-motu impleaded as per order of this Court dated 16/02/2021
IN CRL.OP.NO.35028 OF 2019

For Petitioner : M/S.R.SURESH KUMAR Advocate
(IN CRL.O.P.No.34700 OF 2019)

For Petitioner : M/S.R.THAMARAISELVAN Advocate
(IN CRL.O.P.No.35028 OF 2019)

For Petitioner : M/S.J.HARI KRISHNA Advocate
(IN CRL.O.P.No.35029 OF 2019)

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR
(IN ALL THE PETITIONS)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A6 to A8, A12, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 419, 465, 467, 468 and 471 r/w. 34 of IPC, in Crime No.234 of 2019, on the file of the respondent/Police, seek anticipatory bail.

2. The Petitioner in Crl.O.P.No.34700 of 2019 is the Manager of the South Coast Constructions Pvt Ltd., the petitioners in Crl.O.P.No.35028 of 2019 are the Inspector of Survey and Deputy Inspector of Survey and the petitioner in Crl.O.P.No.35029 of 2019 is the Tashildar.

3. The case of the prosecution is that there are totally twelve accused persons involved in this crime and the petitioners are arrayed as A6, A7, A8 and A12. The allegation is that the land in Town Survey No.13 Block No.17 of Periyakudal Village in Division 101, Zone-18 belongs to Chennai Corporation, However, the patta has been fraudulently transferred in favour of A5 and A9. Thereafter they sold the property in favour of M/s. South Coast Construction Private Limited during the year 1996. During a enquiry it was found that the patta has been transferred fraudulently and the connivance of all the accused, hence the crime has been registered. Further, the occurrence had taken place in the year 1996, after nearly 23 years, the complaint has been filed. Now, the patta of the land has also been cancelled and re-transferred to the Chennai Corporation.

4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the patta was re-transferred in the name of Chennai Corporation and investigation has also been completed. Hence, he prays to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons had fraudulently obtained the patta of the land which belongs to the Chennai Corporation. He would further submit that the co-accused had already been arrested and thereafter they were released on bail and the investigation has also been completed.

6. Considering the facts and circumstances of the case, the occurrence took place in the year 1996, now the patta has been re-transferred in the name of Chennai Corporation, and corporation also taken possession of the land. It is stated that all the arrested accused were released on bail, and the investigation almost completed, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Special Court No.I for the Exclusive Trial of Land Grabbing, Cases, Egmore at Allikulam, on condition that the petitioners shall execute a separate 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 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 shall appear 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, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petitions are ordered.

-sd/-

05/03/2021

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 COURT NO.1,
FOR THE EXCLUSIVE TRIAL OF LAND GRABBING CASES,
EGMORE, ALLIKULAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4 THE COMMISSIONER,
CORPORATION OF CHENNAI
RIPPON BUILDINGS,
CHENNAI-600 003.

CC to M/S.R.SURESH KUMAR Advocate on payment of necessary charges

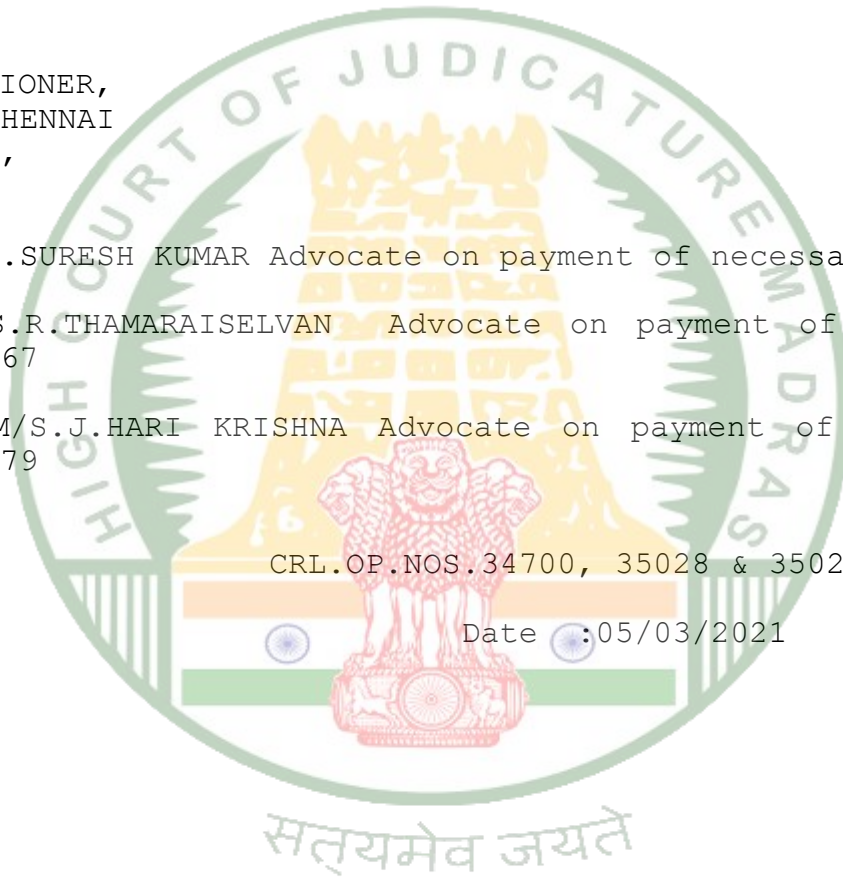
+2CC to M/S.R.THAMARAISELVAN Advocate on payment of necessary
charges SR NO.2867

+2CC to M/S.J.HARI KRISHNA Advocate on payment of necessary
charges SR NO.2879

CRL.OP.NOS.34700, 35028 & 35029 of 2019

Date :05/03/2021

MK:01/04/2021



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