



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.611 of 2021

Sanjeev Kumar Baid

... Petitioner/Accused
(Rank not known)

Vs

The State Rep. by
The Inspector of Police,
Distirct Crime Branch,
Ramanathapuram,
Ramanathapuram District.
Crime No.13/2019

... Respondent/Complainant

For Petitioner : Mr.Thiruvadikumar.A,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

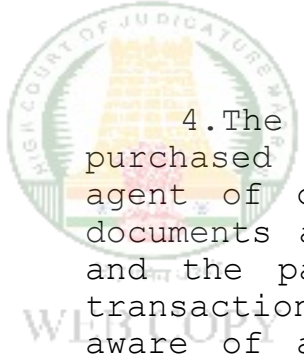
For Anticipatory bail in Crime No.13/2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 465, 468, 471, 420, 419 and 120-B I.P.C., in Crime No.13 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent police.

3.The petitioner is an unnamed accused in the F.I.R, and he voluntarily himself filed this anticipatory bail representing A8 and A9, the companies, since he is the Managing Director.



4.The contention of the petitioner is that the petitioner has purchased the property from one Vengatachalam, who is the power agent of one Gandhi (A1 in this case). After scrutinising the documents and getting legal opinion, he has purchased the property and the payment particulars are available with him and all the transactions have been properly documented and the petitioner is not aware of any dispute between A1 and the brother of the defacto complainant and he has been falsely implicated. Further, he submits that there is a civil dispute pending between A1 and the defacto complainant in O.S.No.89 of 2013 for partition on the file of the Sub Court, Paramakudi. The dispute between the brothers had led to the filing of the complaint.

5.The learned Government Advocate (Criminal Side) would submit that in the District of Ramanathapuram bearing uncultivable land and now, in high demands, since they are ideal for installation of Solar panels. Since the lands are not fetching any returns, the innocent villagers are not aware of the demand. The land brokers identify the lands of innocent villagers and by projecting themselves as they are power agents of the actual owners and sold the lands in the name of the Companies and thereafter, these companies sell the lands and transfer the lands to another companies and thereby, project the transactions are genuine and in the process create encumbrances, the villagers are unable to fight against these powerful corporate people. The defacto complainant is a retired Deputy Director of District Industrial Co-operative Department. He was able to pursue the matter and thereafter with great difficulty, the case came to be registered. In the present case, except A2, all the accused are absconding. Unless thorough investigation is carried out, real culprits cannot be brought to book not only this case, there are several other cases, which are pending investigation, in similar nature and prayed for dismissal of anticipatory bail.

6.Considering the rival submissions and the perusal of materials, it is seen the defacto complainant is none other than the blood brother of A1. There is a civil suit pending between A1 (Gandhi) and the defacto complainant. From the year 2013, the suit is pending with regard to partition of property. The property has been inherited by them. Both of them had right over the property. The only aspect is that what is the apportionment to each other is to be found out. A1 in this case has given power to A2 and A2, in turn, sold the property to the petitioner. The petitioner sold the property to the petitioner's company, namely, A8 and A9. The transaction of the Companies are recorded. Contemporary documents are available for the present transaction. Further, the petitioner voluntarily submitted that he will co-operate with the investigation and disclosed all the facts known to him. It is seen that A2 in this case was already granted anticipatory bail by the District Court. Considering the submission made by both the parties, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, (Special Court for Anti Land Grabbing Cases), Ramanathapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(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/-

11/03/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
(SPECIAL COURT FOR ANTI LAND GRABBING CASES),
RAMANATHAPURAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.A.THIRUVADIKUMAR, Advocate (SR-2054[I] dated 12/03/2021)

ORDER

IN

CRL OP(MD) No.611 of 2021

Date :11/03/2021

LS

TE/JC/SAR-I : 16/03/2021 : 4P/6C