



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.454 of 2022

1. M.Govindaraj
2. Arasalai
3. G.Karthiyazhini
4. G.Hariprasad
5. Ashokkumar

... Petitioners

Versus

State rep by
The Inspector of Police,
Anti-Land Grabbing Special Cell,
Vellore District, Vellore.
(Crime No.26 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.26 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 468 and 471 IPC in Crime No.26 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have prepared forged document to grab the defacto complainant's property. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the second petitioner is the wife, 3rd



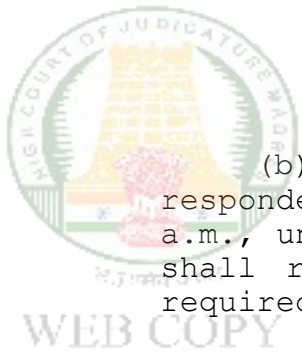
petitioner is the daughter, 4th petitioner is the son of the 1st petitioner. He further submitted that the 1st petitioner's grand father executed the registered Will in favour of the 1st petitioner and his brother Arumugam (who is no more) , but one Rajammal with the help of the 1st petitioner's mother Chinnammal prepared forged document and registered the property in her name in the year 1973. After knowing that the 1st petitioner issued legal notice to the Chinnammal and Rajammal in the meantime, in the year 1978, there was partition suit contested by the 1st petitioner's father and paternal uncle Ganesa Reddy, as per Decree the said survey lands also one of the schedule property in the said suit, the said suit ended in favour of 1st petitioner's father and in the year 2002 as per Will the said lands revenue records muted in favour of the 1st petitioner and his brother, but the 1st petitioner's brother Arumugam arranged to change over patta in his name. After knowing that the 1st petitioner made attempt ot change over the patta in the 1st petitioner's name, but, the defacto complainant and others prevented the revenue officials, who are no way connected with the said lands, but, the defacto complainant lodged a false complaint before the respondent police. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners have prepared forged document to grab the defacto complainant's property. He further submitted that there is no previous case pending against the petitioners and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the the defacto complainant had purchased the property from the brother of the 1st petitioner and the civil suits are pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Judicial Magistrate, Arakkonam, Ranipet District, 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the petitioners 1 and 4 shall report before the respondent police on every Monday and Friday at 10.30 a.m., until further orders and the petitioners 2, 3 and 5 shall report 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
19/01/2022

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,
ARAKKONAM, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
VELLORE DISTRICT. VELLORE.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. C.PRAKASAM Advocate on payment of necessary charges
SR.NO.745

CRL OP.454/2022

Date :19/01/2022

JPA 28/01/2022