



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1381 of 2022

A.Shankar Raman

... Petitioner

Versus

State represented by
The Inspector of Police, CCB I,
Land Grabbing Prevention Cell - I
Team 16, Office of the Commissioner of Police
Greater Chennai, Vepery, Chennai 600 007.
(Crime No.159 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 his arrest in Crime No.159 of 2021 on the file of respondent police.

For Petitioner : Mr.Radhakrishnan for P.Pugalenthir

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

For Intervenor : Mr.G.Palani

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 419, 465, 467, 468, 471, 120B, 109 of IPC in Crime No.159 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that by a registered sale deed dated 4 June 2018 (Document No.2947 of 2018 on the file of Sub Registrar's Office, Villivakkam) the petitioner had purchased a vacant land admeasuring 1610 sq.ft. out of 4620 sq.ft. in Survey Nos.759/1, 2, 3 and 4 situate in Gandhi Nagar, Korattur Village (Kallikuppam), Ambattur Taluk from one Mr.D.V.Ramasubramaniam represented by his power agent Mr.K.Surendran for a valid consideration of Rs.16,16,000/- and from the date of purchase he has been in absolute possession and enjoyment of the suit property. After the purchase, he constructed a residential house in the said property and he has been living in the said house with his family members. At the time of purchase of the said property, he had



thoroughly verified all the relevant documents including encumbrance certificates relating to the said property. Only after ascertaining that the said property had initially come to be in possession of the said Mr.D.V.Ramasubramaniam vide a sale deed dated 17.07.1982 executed by one Mr.R.S.Venkatachalam, who was the absolute owner of the said property, in favour of Mr.D.V.Ramasubramaniam, the petitioner purchased the property from Mr.D.V.Ramasubramaniam represented by his power agent Mr.K.Surendran. Hence this complaint.

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 Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner is in occupation of a part of the property. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, 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 learned Metropolitan Magistrate Court(Land Grabbing Special Court-II) Allikulam, Chennai, 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 petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the Crime No.159 of 2021 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders and the petitioner is directed to co-operate for investigation;



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 anticipatory 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

02/02/2022

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 METROPOLITAN MAGISTRATE
COURT(LAND GRABBING SPECIAL COURT-II)
ALLIKULAM, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CCB I, LAND GRABBING PREVENTION CELL-I,
OFFICE OF THE COMMISSIONER OF POLICE,
GREATER CHENNAI, VEPERY, CHENNAI 600 007

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.PUGALENTHI Advocate on payment of necessary charges SR.NO. 1785

CC to M/S. G.PALANI Advocate on payment of necessary charges SR.NO. 1703

CRL OP.1381/2022

Date :02/02/2022

RVR 03/02/2022

RW 21/02/2022