



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1677 of 2022

Mutthaiyan

... Petitioner

Versus

1. State Rep by ... Respondents
The Inspector of Police
Anti Land Grabbing Special Cell,
District Crime Branch,
Villupuram District.
(Crime. No.48 of 2021)
2. The Sub-Registrar Office,
Tindivanam.

(Suo motu impleaded as per order in Crl.O.P.No.1677 of 2022, dated 27.01.2022)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime. No.48 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.R.Suresh
For Respondent R1 : Mr.A.Gokulakrishnan,
Additional Public Prosecutor
For Respondent R2 : Mr.R.P.Murugan Raja,
Government Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections **120B, 419, 423, 465, 467 and 471 of IPC** in Cr.No.48 of 2021 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner along with other accused persons have impersonated and created forged documents with an intention to grab the property from the defacto complainant. The petitioner is alleged to have purchased the alleged property from one Sethuraman, who claims to be the power of attorney and the property was impersonated as if one Megala had purchased the property from the deceased aunt of the defacto complainant through a registered settlement deed. Hence, the complaint.

3. The learned counsel for the petitioner submitted that he is the bona fide purchaser of the alleged property and he has been falsely implicated in this case as if he impersonated along with the other accused persons to grab the property of the defacto complainant. He further submitted that the co-accused has already granted anticipatory bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

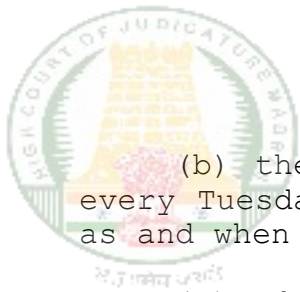
4. The learned Government Advocate appearing for R2 submitted that with regard to the fabrication of the documents involved in this case, the District Registrar has already conducted enquiry and concluded that the documents in Reg.No.1527/2012, 6780/2015, 61/2016 & 1475/2019 are all fabricated and to that effect the same has also been mentioned in the book of registry of Sub-Registrar Office, Vannur. The prosecutor has also produced a report of SRO, Vannur dated 31.01.2022 before this Court. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for R1 submitted that the investigation has been almost completed.

6. Considering the fact that already enquiry was conducted and the documents concerned in this case are declared as forged one by the District Registrar and since, the co-accused has already released on bail and that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered 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 Judicial Magistrate, Vanur** 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the petitioner shall appear before the respondent police on every Tuesday at 10.30 a.m for a period of four 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/-

04/02/2022

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 JUDICIAL MAGISTRATE,
VANUR, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
VILLUPURAM DISTRICT.

4 THE SUB REGISTRAR OFFICE,
TINDIVANAM.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.R.SURESH Advocate on payment of necessary
charges SR.NO.1949

CRL OP.1677/2022

Date :04/02/2022

TA-14/02/2022