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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1439 of 2022

Soloman

.. Petitioner

Vs.

The Inspector of Police,
CCB, 15th Wing,
Chennai District,
(Crime No.163 of 2021)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge petitioner/accused on bail in the event of his arrest in Cr.No.163 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Simon

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465,,467, 468, 471 r/w 34 of IPC in Crime No.163 of 2021 pending 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 had fabricated the Document No.260 of 1973 in order to make claim over the property belongs to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is no way connected the said Document No.260 of 1973 and he did not sign in any documents, he was not witness also. He further submitted that co-accused had already been granted bail by this Court in Cr1.O.P.No.201 of 2022 dated 07.01.2022. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused persons had fabricated the Document No.260 of 1973 in order to make claim over the property belongs to the defacto complainant. He further submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and there is a civil suit pending between the parties and the same also contested by the defacto complainant. More over the alleged sale deed has been executed in the year 1973 and therefore, there is no possibility of tampering the evidence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Special Court No.1 for the Exclusive Trial of Land Grabbing Cases, 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 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 is directed to appear before the respondent police daily at 10.30 a.m., for a period of two months 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].



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

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-sd/-

24/01/2022

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 SPECIAL COURT NO.I
FOR THE EXCLUSIVE TRIAL OF LAND GRABBING
CASES, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
CCB, 15TH WING,
CHENNAI DISTRICT.

CC to M/S M.SIMON Advocate on payment of necessary charges

CRL OP.1439/2022

Date :24/01/2022

RW 07/02/2022