



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2798 of 2022

THULASI GOPAL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
221, SH 49, SARASWATHI NAGAR,
NEELANKARAI, CHENNAI 600115
CRIME NO.36 OF 2022

[RESPONDENT]

For Petitioner : M/S K.M.MRITHUN JAYAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 420 & 34 of IPC, in Crime No.36 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. Totally there are 29 accused in this case. The petitioner herein is arrayed as A13. The case of the prosecution is that on 16.01.2022, the defacto complainant, who is working as a Tahsildar, preferred a complaint to the respondent police that more than 156 Acres of lands are encroached in Injambakkam Village, Sholinganallur Taluk, Chennai District. In the encroached area few of them constructed buildings and later rented the same to others, accordingly they cheated the public. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner being the purchaser innocently purchased the Government land. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appeared for the respondent police submitted that during the relevant point of time, after knowing the fact that the property belongs to Government, the petitioner and others had purchased the property and therefore the act committed by the petitioner cannot be said to be without any intention to commit this offence. He further submits that there is no previous case pending against the petitioner. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. The submission made by the learned counsel on either side is considered.

6. The averments found in the copy of the FIR disclose the fact that at the relevant point of time, the property owned by the Government was sold to the various persons, though it is alleged that the petitioner is the purchaser, it would be necessary to identify whether the petitioner is having dishonest intention to deceive the Government or not. Being the reason as of now the investigation is in initial stage, if the petitioner is released on bail, he may tamper the witness and hamper the investigation.

7. Therefore, considering the nature of the offence committed by the petitioner, if anticipatory bail is granted, it would affect the process of investigation. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

08/02/2022

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 INSPECTOR OF POLICE,
221, SH 49, SARASWATHI NAGAR,
NEELANKARAI, CHENNAI 600115

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S K.M.MRITHUN JAYAN Advocate on payment of necessary
charges Sr.2118

CRL OP.2798/2022

Date :08/02/2022

RVR 24/02/2022