



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

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3608 of 2022

S.ELUMALAI

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CCB-1,
TEAM XVIII ALGSC-1,
CHENNAI-CCB
CRIME NO. 169/2021

[RESPONDENT]

For Petitioner : M/S. J.FRANKLIN Advocate

For Respondent : M/S.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 apprehends arrest for the alleged offences under Sections 120(B), 420, 465, 467, 468 and 471 of IPC in Crime No.169 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant/Tahsildar, Solinganallur lodged a complaint stating that the accused persons A1 to A5 had produced a fake document before the defacto complainant and obtained patta in their favour. Further the petitioner acted as an agent, who had shown the property to the accused persons. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. In the alleged occurrence, without any



knowledge, the petitioner shown the immovable property to the accused persons viz., A1 to A5 saying that the said property has come for sale. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. However, he fairly admits that the occurrence happened in the year 2014, but the present case has been registered in the year of 2021. He further submitted that during the relevant point of time except to act as an agent, the petitioner has not involved in fabrication of documents.

5. Submissions made by the learned counsels appearing on the either sides are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 120(B), 420, 465, 467, 468 and 471 of IPC. Admittedly, the alleged occurrence happened in the year 2014. During the relevant point of time, other accused (A1 to A5) had fabricated the false document and completed the process of sale. However, as of now, after knowing the fabrication of documents, the same was set aside and the patta was restored in the name of the real owner. Accordingly, the role played by the petitioner in the alleged occurrence is only as an agent and whether he involved in the alleged occurrence with knowledge or not has to be identified only during the time of trial.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Land grabbing Special Court No.II, Periyamedu, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 report before the respondent police daily at 10.00 a.m., for a period of fifteen (15) days and thereafter as and when required for interrogation.

WEB COPY (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/-

15/02/2022

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 LAND GRABBING SPECIAL
COURT NO.II, PERIYAMEDU, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CCB-1, TEAM XVIII
ALGSC-1, CHENNAI-CCB

+1 CC to M/S. J.FRANKLIN Advocate on payment of necessary
charges SR.NO.2407

CRL OP.3608/2022

Date :15/02/2022

RW 18/02/2022