



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.4905 of 2022

S.M.MOORTHY

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
ERODE.
CRIME NO.6 OF 2021

[RESPONDENT]

For Petitioner : M/S. M.SOUNDAR VIJAY ARUL RAM Advocate

For Respondent : M/S.R.KISHORE KUMAR, Govt. Advocate (Crl. Side)

For Intervener : M/S.P.GUNARAJ, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 468 of I.P.C. in Crime No.6 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner alleged to have forged the signature of the defacto complainant and fabricated the document by way of registered sale deed in his favour. Thereafter, he along with other persons have intended to grab the property belongs to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner had cancelled the sale deed with regard to the property belong to Kannamma on 16.05.2022. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for respondent conceded the fact submitted by the learned counsel for petitioner.

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5. Considering the above fact and circumstances of the case and also considering the subsequent development and considering the change of circumstances that the petitioner had cancelled the sale deed with regard to the property belong to Kannamma on 16.05.2022, 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 days from the date on which the order copy made ready, before the learned Special Judicial Magistrate, Land Grabbing Cases, Erode, 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 shall report before the respondent police on every Saturday at 10.30 a.m. for the period of three months.

[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/-

30/06/2022

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 SPECIAL JUDICIAL MAGISTRATE,
LAND GRABBING CASES,
ERODE.

2 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
ERODE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.SOUNDAR VIJAY ARUL RAM Advocate on payment of necessary charges

CRL OP.4905/2022

Date :30/06/2022

RW-06/07/2022