



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.04.2022

Pronounced on : 11.04.2022

WEB COPY

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.5090 of 2022

P.Anbalagan

... Petitioner/3rd Accused

/versus/

State of Tamil Nadu,
Rep. by the Inspector of Police,
Land Grabbing Special Cell,
Nagapattinam District.
(Crime No: not known)

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 438 of Cr.P.C., pleaded to grant anticipatory bail to the petitioners in the event of arrest in connection Crime No: not known pending investigation on the file of the respondent police and pass orders.

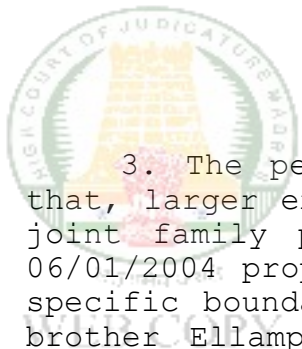
For Petitioner : Mr.A.Sundaravadhanan

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner/A3, apprehending arrest by the respondent police for the alleged offence under section 406, 420, 465, 468, 471 of I.P.C., is before this Court, seeks anticipatory bail.

2. The prosecution case is that, the defacto complainant Tr.Nagarajan has given a complaint stating that, he is the owner of the property in S.No.507/3 measuring 1.50 acres in Chettipalayam Village, Nagapattinam District. While so, three sons of Pakkirisamy had created forged document as if, they are the owners of the property and sold it to 3rd parties. When this was questioned by the defacto complainant, he was abused in filthy language and threatened. Hence, case was registered under Crime No.5/2021, on 25.02.2021, is under investigation.



3. The petitioner, who is one of the son of Pakkirsamy states that, larger extend of land including property in S.No.507/3 is their joint family property. Under the registered partition deed dated 06/01/2004 properties was divided among the sons of Pakkirisamy with specific boundary and they are enjoying the same independently. His brother Ellamparathi sold 0.48 cents of land in S.No.507/3 to one Boopathyrajan under a registered sale deed No.1369/2015 at SRO, Vedaranyam. While so, the defacto complainant alleging that, he is the owner of the property and it has been sold fraudulently by the petitioner, had given a complainant in the year 2020. Same was enquired by the respondent police and he participated in the enquiry. His brother Ellamparathi was arrested on 07/06/2021 and released on bail. Another brother Elanchezian got anticipatory bail on 20/07/2021. During the enquiry, the respondent found that, the petitioner has not involved in the alleged offence. While so, now, the respondent police is pressuring him to settle the issue with the defacto complainant by making good, the loss alleged to have incurred by the defacto complainant or else will be arrested.

4. Considering the averments in the F.I.R, anticipatory bail petition and the counter filed by the respondent police, this Court finds that, it is basically a dispute over a piece of land involving its identity and location. The facts indicate that, custodial interrogation of the petitioner is not required.

5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Vedharanyam, on condition that, the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties 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/Investigating Officer 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;

WEB COPY

(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 anticipatory 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/-
11/04/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDHARANYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
LAND GRABBING SPECIAL CELL,
NAGAPATTINAM, NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SECTION OFFICER
E.R. SECTION, HIGH COURT, MADRAS

+1 CC to M/S.A.SUNDARAVADHANAN Advocate on payment of necessary
charges SR.NO.5533

CRL OP.5090/2022

Date :11/04/2022

JPA 20/04/2022