



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7351 of 2022

1 CHENCHEIVELU
2 MANONMANIAM
3 MUTHUMARI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
TIRUVALLUR.
(CR.NO. 90 OF 2021)

[RESPONDENT]

For Petitioner : M/S. C.PRABAKARAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Cr1. Side)

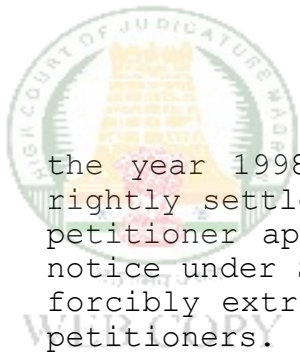
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 417, 420, 465, 468, 471 and 506(i) of IPC in Crime No.90 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The allegation against the petitioners is that the second petitioner sold the property to the defacto complainant in the year 2004. Suppressing the said sale, subsequently he settled the property in favour of the her daughter/third petitioner. After knowing that the transaction in the year 2004 in favour of the defacto complainant has not been entered in the encumbrance. The second petitioner was created a settlement deed in favour of her daughter, who is the third accused in this case.

3.The learned counsel appearing for the petitioners states that the alleged sale deed of the year 2004 in favour of the defacto complainant itself is a forged document that the property in dispute was allotted to the second petitioner herein under a partition deed of



the year 1998 and she being the absolute owner of the property has rightly settled the property in favour of the her daughter though the petitioner appeared before the respondent police. On receipt of the notice under Section 41(A), they have not considered the document, but forcibly extracted certain statement from A3 and trying to arrest the petitioners.

4.Considering the fact that there is a counter allegation against the defacto complainant regarding forgery, the matter has to be enquiry disparately by the respondent police. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

5.Accordingly, the petitioners are 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 Judicial Magistrate No.1, Thiruvallur, on condition that each of the petitioners 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 petitioners 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 petitioners shall report before the Investigation Officer daily at 10.00 a.m., until further order and also the petitioners shall co-operate with the investigation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

WEB COPY

-sd/-
04/04/2022

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 JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.No.5167

CRL OP.7351/2022

Date :04/04/2022

CSK 07/04/2022