



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7276 of 2022

1 VINOTHA @ VINOTHAMMA
2 N.MANJUNATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
DCB POLICE STATION,
KRISHNAGIRI.
(CRIME NO.4 OF 2022)

[RESPONDENT]

For Petitioner : M/S.RAVIKUMAR PAUL, Senior Counsel for
M/S.PAUL AND PAUL 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 464, 467, 471 and 420 of IPC in Crime No.4 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The perusal of the complaint indicates that the defacto complainant, who has purchased measuring to an extent of 1.90 acres of land from his vendor Sowdappa as alleged that the petitioners herein have fabricated the documents and A1 had settled the property to an extent of 5.20 acres in favour of the second accused. Though the first accused owned only 3.30 acres of land, the excess of 1.90 acres of land belongs to the vendor of the defacto complainant.



3.The learned Senior Counsel appearing for the petitioners states that the land measuring to an extent of 1.90 acres was devolved upon the first accused through her parents and 3.30 acres of land was purchased by her in the year 2002. Further, he would rely upon the patta issued in his favour and the civil suit filed for declaration against the defacto complainant is pending and his vendor has to declare the sale deed as null and void.

4.In the light of the above facts, this Court finds that the issue is trapping of the civil dispute and arrest of the petitioners is not required. 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, Hosur, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand Only)each, 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 as and when required for interrogation;

(c)the petitioners shall produce all the documents in their possession to justify the settlement deed made by A1 in favour of A2 in respect of the disputed land measuring to an extent of 1.90 acres;

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

06/04/2022

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,
HOSUR, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.PAUL AND PAUL Advocate on payment of necessary charges SR.NO. 5381

CRL OP.7276/2022

Date :06/04/2022

RW 08/04/2022