



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

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.9453 of 2022

BALRAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CCB, SALEM CITY.
CR.NO. 1 OF 2022.

[RESPONDENT]

For Petitioner : M/S. R.MARUDHACHALAMURTHY Advocate

For Respondent : MR. 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 420, 406, 419, 466, 465, 474 and 109 IPC in Crime No.01 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein arrested by the respondent police on a complaint given by one Durgashankar Dhakad alleging that, one Sugumar has forced the Power of Attorney deed as if he has forced Sugumar as his power agent and based on that Power of Attorney, sale deeds were executed in favour of other accused, who are arrayed as A2 to A9, alleging that has grabbed by these accused persons by fabricating the document, complaint has been lodged on 20.03.2022 for alleged offence under Section 420, 406, 419, 466, 465, 474 and 109 IPC.

3. The petitioner herein claims that, he purchased the property from Sugumar, who is the registered Power of Attorney holder of the defacto complainant. The said Power of Attorney was duly registered in the year 1994 and on the registered Power of Attorney deed, he entered into agreement with Sugumar and purchased the property. After purchasing the property, he has put up construction and he is in enjoyment of the property since 1994. The revenue records has been muted in his name and he is in peaceful possession of the property.



4. While so, in the year 2021, the defacto complainant herein tried to disturb the peaceful possession of the petitioner. Therefore, forced the petitioner herein to file a Civil Suit before the District Court, Salem in O.S.No.450 of 2021 for declaration of injunction. Immediately, on receipt of the suit summon, the defacto complainant has lodged with fabricated and concocted criminal complaint.

5. Considering the nature of the complaint and the averments made by the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Prevention of Land Grabbing Special Wing, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.30.a.m., until further orders;

(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 has 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.

WEB COPY

-sd/-

26/04/2022

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,
PREVENTION OF LAND GRABBING SPECIAL WIGN,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
CCB, SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COURT,
SALEM

CC to M/S. R.MARUDHACHALAMURTHY Advocate on payment of
necessary charges Sr.6326

CRL OP.9453/2022

Date :26/04/2022

RVR 29/04/2022