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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.9667 of 2022

T.Rajangam

.. Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
DCB (Land Grabbing), Erode,  
Erode District.  
(Crime No.10 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.10 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor

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O R D E R

The petitioner, who was arrested on 05.04.2022 for the offences punishable under Sections 417, 418 and 420 read with 109 of IPC in Crime No.10 of 2021, seeks bail.

2.The complaint against the petitioner is that as Power Agent, the original owner in respect of the plots developed in the name of Teachers Colony Phase-II at Anthiyur Taluk, has originally sold Site No.7 to one Suseela, the defacto complainant in the year 2013 and later, the same plot was sold to one Sekar in the year 2014 suppressing the earlier alienation. This plot is alleged to have been committed by the original owner of the land by name Kaliappan and Perumal in connivance with the power of attorney agent Rajangam and for the said fraudulent sale, knowingly Manoharan and Baskaran signed as witnesses.



3.Learned counsel for the petitioner would submit that while promoting the lay out, by inadvertence, the same plot bearing No.7 were sold to the two parties. After realising, the petitioner and others are ready to repay the money collected from the defacto complainant, since the subsequent purchaser has already taken possession of the plot and put up the construction.

4.Learned Additional Public Prosecutor appearing for the respondent submits that it is not an act of inadvertence or oversight. The allegation found in the F.I.R is that Plot No.7 in Teachers Colony Phase -II after being sold to the defacto complainant on 17.04.2013 was again sold to one Sekar on 28.04.2014, taking advantage of the fact that the earlier transaction has not been reflected in the Encumbrance Certificate. The learned counsel for the petitioner submits that this error has occurred not with intention but by oversight.

5. Considering the fact that the petitioner was arrested on 05.04.2022 and his custodial interrogation is no more required to ascertain the mistaken identity of the property and double sale by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner 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 learned Judicial Magistrate (deal with Land Grabbing Cases), Erode;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the Investigating Officer daily at 10.30 a.m., until further orders;

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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/-

28/04/2022

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,  
(DEAL WITH LAND GRABBING CASES), ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE. [FOR INFORMATION]

3 THE OFFICER INCHARGE,  
DISTRICT JAIL, GOBICHETTIPALAYAM.

4 THE INSPECTOR OF POLICE,  
DCB (LAND GRABBING),  
ERODE, ERODE DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.9667/2022

Date :28/04/2022

RW 29/04/2022