



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10523 of 2022

1 R.CHITAIYAN
2 C.CHANDRAKALA

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ERODE DISTRICT.
CRIME NO.3 OF 2022.

[RESPONDENT]

For Petitioners : M/S. R.C.PAUL KANAGARAJ Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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 offences punishable under Sections 417, 465, 467, 468, 471, 474, 120B, 506(1) of IPC in Crime No.3 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused persons created a forged document and based on which, they try to grab the defacto complainant's property. It is further alleged that on 31.01.2021, the petitioners and others broke opened the door and tried to evict the defacto complainant illegally. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are innocent purchasers of the property from the first accused and after the complaint lodged by the defacto complainant, the sale deed executed in their favour now cancelled by the District Registrar. He further submitted that the co-accused has already been



granted anticipatory bail by this Court in Crl.O.P.No.11131 of 2022 dated 12.05.2022. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that by forging the documents, the petitioners and other accused have tried to grab the defacto complainant's property. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that after registration of the complaint, the sale deed executed in favour of the petitioners, has been cancelled by the District Registrar. That apart, the other accused who arranged the person to impersonate the defacto complainant to execute the sale deed, was granted anticipatory bail by this Court. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Judicial Magistrate, Land Grabbing Cases, Erode, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the second petitioner shall report before the respondent as and when required for interrogation.

[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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
06/06/2022

WEB COPY

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 SPECIAL JUDICIAL MAGISTRATE,
LAND GRABBING CASES, ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.NO.8552

CRL OP.10523/2022

Date :06/06/2022

JPA 09/06/2022