



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10649 of 2022

L.KASINATHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
LAND GRABBING TEAM 16-A,
OFFICER OF THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI.
(CRIME NO.198/2021)

[RESPONDENT]

For Petitioner : M/S.S.T.BHARATH GOWTHAM Advocate

For Respondent : MR.N.S.SUGANTHAN, 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 offence under Sections 465, 467, 468, 471 r/w 34 of IPC in Crime No.198 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Heard the submissions of both the counsel appearing for parties.

3.It is seen from the submissions made by the counsels appearing for the parties that the defacto complainant purchased a property at Seevaram Village (Perungudi) to an extent of 1 ground in two parts - 1393 sq.ft in Survey No.25/8 and 994 Sq.ft in survey No.25/7, 30 years back. He was working as a Government College Professor and he left the property unattended for quite some time and he visited his property in the year 2015 and it was found vacant and when he visited in February 2021, he found someone had illegally occupied his land. One Chithra first accused claimed ownership of the property through her father based on digital patta No.276. The land in survey No. 25/8 was illegally encroached by Mrs.Chitra, Ganesan and M/s.Samuthira



Contructions represented by one Karthik. Chitra transferred the land in survey No.25/8 to her husband R.Ganesan through a settlement deed based on the patta alone. R.Ganesan executed a power of attorney in favour of K.Gopinath. Subsequently it was cancelled. R.Ganesan executed another power of attorney in favour of K.Karthik. On 20.04.2018, an agreement was entered into between M/s.Samutira Construction represented by Karthik and Jagan, G.Sasirekha for construction of building. Thus, alienations and subsequent documents had been made without any title. The petitioner is owner of the property. Accused had created forged documents for the purpose of cheating and committed forgery. Therefore, this case was registered.

4.It is submitted by the learned Counsel for the petitioner that the petitioner is only an attesting witness and he is not aware of the title dispute between the parties. It is further submitted that A1 to A3, A11, A12 were arrested and released on bail. A4 to A8 were innocent purchasers and notice under Section 41(a) Cr.P.C. was given to them.

5.Taking into consideration of the fact that the petitioner is only an attesting witness and the fact that the main accused granted bail, this Court is of the view that custodial interrogation of the petitioner is not necessary, therefore this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

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 Special Court for CCB, Egmore, on condition that the petitioner shall execute a bond for 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before respondent police as and when required for investigation;

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



(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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.

-sd/-

05/05/2022

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 SPECIAL COURT FOR CCB
EGMORE, .

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
LAND GRABBING TEAM 16-A, OFFICER
OF THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.T.BHARATH GOWTHAM Advocate on payment of necessary charges

CRL OP.10649/2022

Date :05/05/2022

CSK 13/05/2022