



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11080 of 2022

1 PRABHAVATHY
2 T.RAJENDRAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
CCB - II, WING NO.25,
ANTI LAND GRABBING SPECIAL CELL,
VEPERY, CHENNAI - 600 007.
(CRIME NO.01 OF 2021)

[RESPONDENT]

For Petitioners : M/S. PRAVEEN ALEXANDER Advocate

For Respondent : MR.S.UDAYA KUMAR, 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 for the alleged offences under sections 420, 465, 467, 468, 471 and 34 IPC in Crime No.1 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that after the death of her mother Ravai Kannamal, the defacto complainant's father K.V.Sundarababu, who is the Power Agent of Ravai Kannamal, along with his brother Tamizhvanan, colluded together, created forged documents and sold the property to the first petitioner herein and thereby, cheated the defacto complainant and others. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners bonafidely purchased the property from the parents of the defacto complainant on a valuable consideration. In the sale deed, the defacto complainant's brother one Tamizhvanan has also signed as



an attesting witness in all the relevant documents. The 2nd petitioner, who is the husband of the first petitioner, has signed as a witness in the disputed sale deed and apart from that, there is no other allegations has been made out as against the 2nd petitioner.

4. The learned Government Advocate (Criminal side) submitted that defacto complainant's mother executed a Power of Attorney in favour of her husband K.V.Sundarababu on 30.08.1999. Thereafter, she died on 17.06.2012. Subsequently, on 09.02.2015, i.e., after her death, the said K.V.Sundarababu colluded with one of his son Tamizhvanan, fraudulently executed sale deed in favour of the first petitioner herein, as if she was alive.

5. This Court considered the submissions made by the parties and perused the materials available on records carefully.

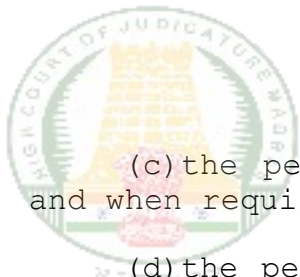
6. On perusal of the First Information Report and the relevant materials available on records, it is seen that the property originally stands in the name of Tmt.Ravai Kannammal. After her death, the de-facto complainant's brother, Tamizhvanan and his father K.V.Sundarababu created forged documents and sold the same to the first petitioner herein and the second petitioner also signed in the disputed sale deed as witness. The petitioners are only the purchaser of the property from the Power Agent of Ravai Kannammal and they bonafidely purchased the property on paying the sale consideration and they are not connected with the fabrication of records pertaining to the Ravai Kannammal lands. The first petitioner has only purchased the property from the parents of the defacto complainant.

7. Considering the said facts and circumstances of the case, the custodial interrogation of the petitioners are not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 of receipt of a copy of this order, before the Court of Exclusive Trial of CCB Cases, Egmore on condition that the petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each 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 shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar cards or Bank pass Book to ensure their identity;

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



(c) the petitioners shall report before the respondent police as and when required for interrogation;

(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 has 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;

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

-sd/-
12/05/2022

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 COURT OF EXCLUSIVE TRIAL
OF CCB CASES AT EGMORE.

2 THE INSPECTOR OF POLICE,
CCB - II, WING NO.25,
ANTI LAND GRABBING SPECIAL CELL,
VEPERY, CHENNAI - 600 007.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. PRAVEEN ALEXANDER Advocate on payment of necessary charges

CRL OP.11080/2022

Date :12/05/2022

JPA 16/05/2022