



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11346 of 2022

V.K.PANDIAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
STATION HOUSE OFFICER,
LAWSPET POLICE STATION,
PUDUCHERRY.
CRIME NO.51 OF 2022.

[RESPONDENT]

For Petitioner : M/S. G.KRISHNA KUMAR Advocate

For Respondent : MR.V.BALAMURUGANE, Public Prosecutor for Puducherry

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 420, 468, 471 IPC, read with Section 34 of IPC in Crime No.51 of 2022, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the property comprised in R.S.No.110/10-A, Karuvadikuppam Village measuring to an extent of 00.78.00 ares of land was acquired by the Government in the year 1976 for construction of Government High School. However, the petitioner executed a sale deed in respect of a portion of the property which was already acquired by the Government vide registered Sale Deed Document No.975 of 2008 dated 03.03.2008 and Sale Deed vide Document No.2196 of 2008 dated 24.04.2008 in favour of one Lakshmi, based on which the present case has been registered against the petitioner.

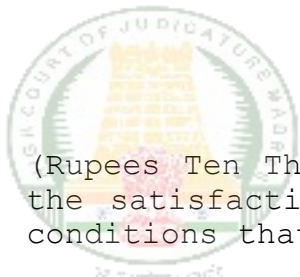


3.The learned counsel appearing for the petitioner submitted that the land comprised in Survey No. 110/10-A along with the adjacent property was originally owned by the petitioner's father to an extent of 00.78.00 Ares vide registered document dated 12.09.1960. One Sri. Sidhivinayakar Sri Sivasubramaniya Swamy Temple made claim over the said properties and thereafter, it was acquired for the purpose of construction of the Government school in the year 1976. In fact, there was a rival claim from the temple in respect of the acquired land and the petitioner filed a suit in O.S.No.179 of 1981 before the Subordinate Judge, Puducherry for declaration of the subject property and suit was decreed in favour of the temple. Aggrieved over the said order, the petitioner preferred an appeal in A.S.No.141 of 1989 before the II Additional District Judge, Puducherry, which was allowed in favour of the petitioner, against which, the temple preferred second appeal in S.A.Nos.546 and 547 of 1991. The said second appeal was also dismissed confirming the order of the 1st Appellate Court and the petitioner obtained a decree in his favour and received the entire compensation, in respect of the property comprised in S.No.110/10-I, which is belonging to the petitioner and he sold the portion of the property in favour of one Lakshmi in the year 2008 itself. After a period of 14 years, the present complaint has been lodged with the above said allegations. He further submitted that the petitioner has not committed any offences as alleged by the prosecution and therefore, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the property which is originally situated in Survey No.110/10A alone was now sold out by the petitioner, though the Sale Deed stands for the property comprised in S.No.110/10-I. That apart, the petitioner had sold out the subject property in the year 2008 itself. After a period of 14 years, the present complaint has been lodged by the Education Department. However, he opposed for grant of anticipatory bail to the petitioners.

5.On perusal of the Sale Deed produced by the petitioner reveals that the petitioner sold the said property in favour of one Lakshmi in S.No.110/10-I to an extent of 2 ½ Cents in the year 2008. Admittedly, a portion of the property had been sold out by the petitioner in possession and enjoyment of the parties. Considering the facts and circumstances of the case and as custodial interrogation of the petitioner is not required in this case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate - I, Puducherry on condition that the petitioner shall execute a 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 learned Magistrate concerned and on further conditions that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and their 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 the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation;

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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/-
19/05/2022

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 JUDICIAL MAGISTRATE,
NO.I, PUDUCHERRY.



2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
LAWSPET POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S. G.KRISHNA KUMAR Advocate on payment of necessary
charges SR.NO.7339

CRL OP.11346/2022

Date :19/05/2022

JPA 23/05/2022