



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12413 of 2022

RADHAKRISHNAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ERODE DISTRICT.
(CRIME NUMBER 3 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.SOUNDAR VIJAY ARULRAM 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable u/s 417, 465, 467, 468, 471, 474, 120 B, 506 (1) of I.P.C. in Cr.No.03 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner 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 appearing for the petitioner would submit that the petitioner is arrayed as A5 who introduced the A4 to the defacto complainant and the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the purchasers namely A2, A3 and A4 were granted anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor for the respondent submitted that by forging the documents, the petitioner and other accused have tried to grab the defacto complainant's property. He further submitted that sale deed executed in favour of A2 and A3 already cancelled and he vehemently opposed to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 at Erode, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 petitioner 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 petitioner shall report before the respondent police daily morning at 10.30 a.m. and evening at 5.00 p.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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.

WEB COPY

-sd/-

14/06/2022

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 JUDICIAL MAGISTRATE,
LAND GRABBING CASES AT 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.

+1CC to M/S.M.SOUNDAR VIJAY ARULRAM Advocate on payment of
necessary charges SR.No.9217

CRL OP.12413/2022

Date :14/06/2022

CSK 16/06/2022