



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13409 of 2022

L.B.SHANKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS,
THE SUB INSPECTOR OF POLICE,
CCB,
SALEM CITY.
CR.NO.01 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.MARUDHACHALAMURTHY Advocate

For Respondent : M/S.A.GOPINATH, Govt. Advocate (Crl. Side)

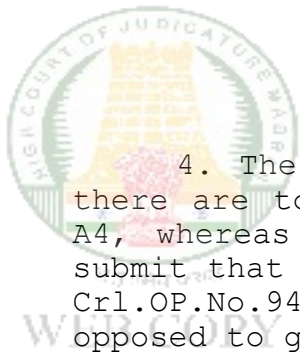
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 406, 419, 466, 465, 474 and 109 of IPC in Crime No.1 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that A1 forged the signature of the defacto complainant and executed sale deed in favour of A2 in respect of the property belongs to the defacto complainant and his family members. In turn, A2 executed settlement deed in favour of A4. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner already filed suit in the year 2021 for declaration and injunction in respect of the very same property and this complaint has been lodged after a period of 28 years from the date of sale deed. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate(crl.side) would submit that there are totally 10 accused, in which the petitioner is arrayed as A4, whereas A2 and A3 are his father and mother. He would further submit that already A2 was granted anticipatory bail by this Court in Crl.OP.No.9453 of 2022 dated 26.04.2022. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. That apart, the petitioner also filed suit for declaration in OS.No.449 of 2021 on the file of the learned Principal District Judge, Salem for the relief of declaration and injunction in respect of the very same property and after a period of 28 years, the present complaint has been lodged by the defacto complainant.

6. Considering the facts and circumstances of the case and also considering that a co-accused was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate, Prevention of Land Grabbing Special Wing, Salem 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 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 at 10.30 a.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/-
10/06/2022

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 JUDICIAL MAGISTRATE,
PREVENTION OF LAND GRABBING SPECIAL WING,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
CCB,
SALEM CITY.

+1 CC to M/S.R.MARUDHACHALAMURTHY Advocate on payment of
necessary charges SR.NO.8897

CRL OP.13409/2022

Date :10/06/2022

TA-14/06/2022