



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twentieth day of June Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13492 of 2022

1 K.JECADEESWARAN

[PETITIONERS / ACCUSED]

2 K.JEGAN @ JECADEESWARAN

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,

S-15, SELAIYUR POLICE STATION,

CHENNAI

(CRIME NO.250/2022)

For Petitioner : M/S P.K.GANESH Advocate

For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S L.SRIRAM Advocate

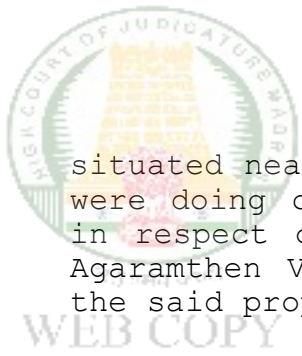
PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447, 420 & 506(i) of IPC in Crime No.250 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant namely one Vinod Kumar had lodged a complaint against the petitioners and another on 15.05.2022, alleging that they had committed the offences of cheating and threatening the de facto complainant and others over the suit property situated at Agaramthen, Survey No.100/2C, and the de facto complainant claims that he had purchased one of the property in Plot No.137 from one Jayapal by way of registered document. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the property comprised in Survey No.100/2C is Meikaal Poromboke property. The petitioner owned the property comprised in S.No.88 and the patta issued in favour of the 1st petitioner's mother. The subject property comprised in S.No.100/2C is adjacently



situated near 1st petitioner's property. The 1st petitioner's family were doing cultivation and were in possession during the year 1965, in respect of the property comprised in S.No.100/2C and S.No.88 in Agaramthen Village. However, now the de-facto complainant occupied the said property.

4. The learned Additional Public Prosecutor would submit that the property comprised in S.No.100/2C belongs to the de-facto complainant and others, where they also obtained lay-out of the said land into house sites. While being so, the petitioners attempted to trespass the subject land and created nuisance.

5. It is seen that the petitioners also filed a suit in O.S.No.77 of 2021 on the file of District Munsif Court, Tambaram seeking Permanent Injunction in respect of the property comprised in S.Nos.88/2 and 88/3 situate at No.146, Agaram Then Village, St.Thomas Mount Panchayat Union, Tambaram, Chennai and "Meikaal Poromboke" land comprised in Survey Nos.84/2 and 100/2C situated at No.146, Agaram Then Village, St.Thomas Mount. Even according to the petitioners, the petitioners owned property only in S.No.88/2 & 88/3.

6. The learned counsel appearing for the petitioners also submitted that the petitioners are ready and willing to give an undertaking affidavit not to indulge in any illegal activities in respect of property comprised in S.Nos.84/2 & 100/2C situated at Agaram Then Village, St.Thomas Mount.

7. Heard, Mr.L.Sriram, learned counsel appearing for the intervenor.

8. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners shall execute an undertaking affidavit before the learned Magistrate concerned undertaking not to indulge in any illegal activities in respect of property in S.No.100/2C & 84/2 situated at No.146, Agaram Then Village, St.Thomas Mount ad-measuring 5.7 Acres and also not to interfere with the peaceful possession and enjoyment of the said property and on receipt of such undertaking affidavit, 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 on which the order copy made ready, before the learned Judicial Magistrate Court Hall No.I, Tambaram, on condition that each of the petitioners shall execute a separate 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 petitioners 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.

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[b] the petitioners shall execute an undertaking affidavit before the learned Magistrate concerned undertaking not to indulge in any illegal activities in respect of property in S.No.100/2C & 84/2 situated at No.146, Agaram Then Village, St.Thomas Mount ad-measuring 5.7 Acres and also not to interfere with peaceful possession and enjoyment of the said property.

[c] the petitioners 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 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/06/2022

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,
NO.I, TAMBARAM



2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
S-15, SELAIYUR POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S P.K.GANESH Advocate on payment of necessary charges
Sr.9545

CRL OP.13492/2022

Date :20/06/2022

RVR 29/06/2022