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CrI.OP.No.16592 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16592 of 2022

Sokkanathan

..Petitioner/A1

Vs.

State by Inspector of Police,
Central Crime Branch,
Anti Land Grabbing Special Cell, CCB-II,
Avadi City,
Chennai – 600 054.
(Crime No.05 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.5/2022
pending on the file of the respondent.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

For Intervenor : Mr.M.R. Elavarasan

ORDER

The petitioner, who was arrested and remanded to judicial



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custody on 08.06.2022 for the offence under Sections 465, 467, 468, 471, 120(b) r/w. 34 of IPC in crime No.05 of 2022 on the file of the respondent police, seeks bail.

2. The *de-facto* complainant preferred a complaint with the respondent on the allegation that her father late. Natrajan and her mother Valliammal owned 58 cents of land in Survey No.572/2 Paruthipattu Village, Poonamallee Taluk, Thiruvallur District right from the year 1975. Subsequently, her mother left her father and sold her 29 cents of land to another 3rd party. His father died on 10.11.2007 and the entire property was under the control of his brother Sokkanathan the accused herein. When the *de-facto* complainant insisted for partition of the property, at that time she came to know that her father Natrajan had executed a Will in favour of his brother claiming title over the property. On verification it was founded that the Will is a bogus one and hence she preferred a complaint.

3. The allegation is that *de-facto* complainant is the sister of



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the petitioner. She alleged that the petitioner forged the will and registered the same in his favour as if executed by his father on 07.11.2007.

4. The learned counsel appearing for the intervenor submitted that their father died on 10.11.2007 and his father was impersonated by the petitioner and registered the Will in his favour.

5. Further, the dispute is between the petitioner and the *de-facto* complainant in respect of the property.

6. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 08.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Special Judicial Magistrate, Special Court for Land Grabbing Cases**



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Thiruvallur and on further conditions that:

[a] 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. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Judicial Magistrate,
Special Court for Land Grabbing Cases Thiruvallur.
- 2.The Inspector of Police,
Central Crime Branch,
Anti Land Grabbing Special Cell, CCB-II,
Avadi City,
Chennai – 600 054.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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