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Crl.O.P.No.21767 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21767 of 2022

Erulappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB-II Police Station,
Chennai.

(Crime No.39/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.39 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Murali

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.21767 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2022 for the offences punishable under Sections 109, 120B, 448, 465, 467, 468 & 471 of IPC, in Crime No.39 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner conspired with the other accused had fabricated the documents and impersonated for grabbing the land belonging to the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is arrayed as A13 in this case and the violation as against the petitioner is that that petitioner had attested the fabricated documents as a witness and other than attesting the documents, he is not a beneficiary of the transaction. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.21767 of 2022

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused fabricated the documents and impersonated for grabbing the land belonging to the de-facto complainant. He would also submit that the investigation is pending and hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Special Court for Land Grabbing Cases No.II, Egmore, Allikulam**, and on further conditions that:



CrI.O.P.No.21767 of 2022

[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, every day at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.09.2022

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Crl.O.P.No.21767 of 2022

WEB COPY

To

1. The Special Court for Land Grabbing Cases No.II,
Egmore, Allikulam.
2. The Inspector of Police,
CCB-II Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.21767 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.21767 of 2022

13.09.2022