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CrI.O.P.No.22587 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

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

CrI.O.P.No.22587 of 2022

A.K.Lakith Hussain

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB, Team,
XVI Police Station,
Chennai.
Crime No.39 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.39 of 2022 on the file of
the respondent police.

For Petitioner : Mr.N.Ramachandran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2022 for the offences punishable under Sections 109, 120 B, 448, 465, 467, 468 and 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 by impersonation grabbed the land belonging to the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner's father is the owner of the property and the defacto complainant and his henchmen attempted to grab the property from the petitioner's family and the petitioner had filed a Civil Suit in O.S.No.4977 of 2016 on the file of the III Assistant City Civil Court, Chennai and it is pending. He would also submit that the defacto complainant in order to defeat the right of the petitioner and to put up pressure on the petitioner to withdraw the suit, has given a false complaint, based on which, the petitioner



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was arrested on 11.08.2022. He would further submit that the entire prosecution case is borne out of records and the petitioner was arrested on 11.08.2022 and he is in custody for more than a month and further custody of the petitioner may not be required. He would also state that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. He would further submit that some co-accused in this case have been granted anticipatory bail by this Court in Crl.O.P.No.20369 of 2022 dated 30.08.2022 and another co-accused in this case has been granted bail by this Court in Crl.O.P.No.21767 of 2022 dated 13.09.2022. Therefore, he prays for grant of bail to the petitioner.

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 also by impersonation, grabbed the land belonging to the defacto complainant. He would also submit that the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials



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available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and the period of incarceration suffered by the petitioner and it is also stated that the case of the prosecution is borne out of documents and also a civil suit is pending, 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**, each for a like sum to the satisfaction of the **learned Special Metropolitan Magistrate, Land Grabbing Court No.II, FAC, Egmore at Allikulam, Chennai**, 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., until further



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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.

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To

1. The Special Metropolitan Magistrate,
Land Grabbing Court No.II, FAC,
Egmore at Allikulam, Chennai.
2. The Inspector of Police,
CCB, Team,
XVI Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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