



Crl.O.P.No.23037 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

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Ramamoorthy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch (CCB),
Land Grabbing -I, Team-15,
Office of the Commissioner of Police,
Vepery, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail in connection Crime No.147 of 2022,
pending on the file of the respondent Police, pending investigation.

For Petitioner : Mr.G.Thalaimutharasu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 30.08.2022, for the offences punishable under Sections 465, 467, 468,



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471 r/w 34 of IPC, in Crime No.147 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused by fabrication of documents grabbed the property belonging to the HR & CE department in S.No.1133 at Vyasarpadi, Chennai. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property having got the same through a Will and thereafter, the petitioner had obtained patta in favour of the property and he has also given Power of Attorney in favour of A2 and A3. He would further submit that the petitioner has got valid title, whereas, on a false complaint given by the HR & CE Department that the property belongs to them, a case has been registered as against the petitioner. He would also submit that the petitioner is in custody from 30.08.2022. He would also state that the entire case of the prosecution is borne out by records and that the respondent have not taken police custody of the petitioner. He would also



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state that taking into consideration the facts and circumstances of the case, the further custody of the petitioner may not be required and the petitioner has no previous case as against him. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with the other accused fabricated the documents and grabbed the land belonging to the HR & CE Department. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and that the respondent have also not taken any police custody and also the fact that the custody of



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the petitioner may not be required, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Court for Land Grabbing Cases-I, 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., for a period of four weeks and thereafter, on every Saturday 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;



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[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.

30.09.2022

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To

1. The Special Court for Land Grabbing Cases-I,
Chennai.
2. The Inspector of Police,
Central Crime Branch (CCB),
Land Grabbing -I, Team-15,
Office of the Commissioner of Police,
Vepery, Chennai.
3. The Superintendent,
Central Jail,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA., J.

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