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Crl.O.P.No.24001 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.24001 of 2022

Shanmugavel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch,
Coimbatore.
Crime No.13 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.13 of 2022 on the file
of the respondent police.

For Petitioner : M/s.V.Porkodi
for V.Ajay Khose

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Sections 120(B), 419, 420, 465, 467 and 468 of IPC, in Crime No.13 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the accused, by fabrication and impersonation grabbed his property measuring 2.02 Acres. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a land broker and the other accused approached the petitioner and had offered to find out purchasers for the property and believing the same, the petitioner had acted as a broker and brought the purchasers. She would also submit that only later the petitioner came to know that the other accused by fabrication and impersonation, sold the property belonging to the defacto complainant. She would further submit that the other than acting as a broker, the petitioner is not aware of anything. She



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would also state that the petitioner is in custody from 22.08.2022 and a similarly placed accused in this case has been granted bail by this Court in Crl.O.P.No.23173 of 2022. Therefore, she 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 by impersonation and fabrication of documents, sold the property belonging to the defacto complainant. He would also submit that the petitioner has acted as a broker and had received a sum of Rs.13 lakhs. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the petitioner is only alleged to have been acted as a broker and also the fact that the similarly



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placed accused has been granted bail by this Court in CrI.O.P.No.23173 of 2022 on 26.09.2022, 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 Anti Land Grabbing Special Court, Coimbatore**, 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 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



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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 Anti Land Grabbing Special Court, Coimbatore,
2. The Inspector of Police,
District Crime Branch,
Coimbatore.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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