



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25397 of 2021

WEB COPY

G.Indira

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Central Crime Branch,
Anti Land Grabbing Special Cell - II,
Team - XXIII, Vepery,
Chennai - 600 007.
Crime No.79 of 2018

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.79 of 2018 on the file of the respondent police.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 467, 468, 471, 447 and 506(i) of IPC in Crime No.79 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father bought a flat in Sunnambu Kolathur, Kanchipuram District during 1967 through a registered sale deed bearing document No.2299 of 1967. Later he died on 15.11.2001. Subsequently, his mother also died on 28.08.2008. Thereafter, the defacto complainant and his brother put a fence around their land and later, the aforesaid land was grabbed by the petitioner along with other accused. It is further alleged that on enquiry and perusal of encumbrance certificate, the defacto complainant came to know that A1 and A2 have forged the signature of the defacto complainant's father and one Sivagami created a fake general power of attorney in favour of one Kalidas. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the he complied the order as directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner complied the order as issued by this Court.

5. It is clear that the District Register conducted enquiry and passed the order on 28.07.2021 and cancel the general power of attorney registered in Document No.6695 of 2017 and also canceled the sale deed in document No. 4392 of 2018 which was executed in favour of the petitioner/power holder and which was also incorporated in the E.C dated 18.01.2022, which was enclosed by the petitioner in typed set of papers in page No.31.

6. Considering the facts and circumstances of the case and also considering the submissions made by both counsels, and also considering the age of the petitioner who is aged about 63 years, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Alandur, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 as and when required for an interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 has been imposed and the petitioner is 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

31/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE JUDICIAL MAGISTRATE,
ALANDUR

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL - II,
TEAM - XXIII, VEPERY, CHENNAI - 600 007.

CC to M/S K.KANNAN Advocate on payment of necessary charges

CRL OP.25397/2021

Date :31/01/2022

RVR 14/02/2022