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Crl.O.P.No.2081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2081 of 2023

Buddhi Chandran

... Petitioner

Vs.

The Inspector of Police,
Manjoor Police Station,
The Nilgiris District.
Crime No.71 of 2022.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.71 of 2022 pending on the file of the respondent police.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

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The Criminal Original Petition is filed for enlarging the petitioner on bail in the event of their arrest pending investigation in Crime.No.71 of 2022 on the file of the respondent police.

2. The learned counsel for the petitioner submitted that petitioner had purchased the lands in Survey Nos.375/3A and 375/10A from one Vivek and Shekaran and has been enjoying the property. Meanwhile, defacto complainant Raju claiming that he is also entitled for right in this property gave a false complaint. Respondent Police is taking steps to apprehend the petitioner. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that there is an extent of 18 cents available in S.No.375/3A and 33 cents available in S.No.375/10A. The report submitted by the Tahsildar, Kundha, it is stated that one of the sharers namely Vivek sold 4.75 cents in S.No.375/3A and other sharer namely Shekaran sold 7.80 cents in S.No.375/10A and the remaining extent



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belongs to the defacto complainant. He further submitted that the petitioner had illegally used mechanized excavators which is prohibited in the Nilgiris District.

Petitioner directed A2 to uproot the tea plants and thereby caused huge monetary loss to the defacto complainant. Petitioner is the former Minister of Government of Tamil Nadu and Ex-MLA. If petitioner is granted anticipatory bail, witnesses would not come forward to testify and there is a possibility of tampering with the evidence.

4. Considered the rival submissions and perused the records. It is seen from the submission made by the counsels on either sides and records that, there is a claim by three persons in respect of the properties in S.No.375/3A and 375/10A. It is the claim of the learned counsel for the petitioner that petitioner is only in possession and enjoyment of his property and not the property of the defacto complainant.



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5. In the said circumstances and also considering the fact that the case mainly rests on documentary evidence, this Court is of the considered view that petitioner may be released on Anticipatory Bail with appropriate conditions

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court, Udhagamandalam**, on condition that the each of the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police **every day at 10.30 am for a period of two weeks and thereafter as and when required.**

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

23.02.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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G.CHANDRASEKHARAN,J.

Sma

To

- 1.The Judicial Magistrate Court,
Udhagamandalam.
- 2.The Inspector of Police,
Manjoor Police Station,
The Nilgiris District.
- 3.The Public Prosecutor,
Madras High Court.

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