



Crl.O.P.No.3814 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM :

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

Crl.O.P.No.3814 of 2023

S.Umapathy,
S/o.R.Subhash

... Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
CCB, Team-XXV,
Anti Land Grabbing Cell-II,
Chennai.
(Crime No.02 of 2023)

2. The Sub-Registrar,
Velacherry.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.02 of 2023 pending on the file of respondent police.

For Petitioner : Mr.C.Iyyapparaj
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.01.2023 for the alleged offence under Sections 34, 419, 420, 465, 467, 468 of I.P.C. in Crime No.02 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the defacto complainant's wife, who was a retired Civil Surgeon in Tamil Nadu Government Medical Service, had purchased a plot No.328 to an extent of 2400 sq.ft. situated at Madipakkam Village, Chennai on 14.12.1983 and they were enjoying possession from the date of purchase. While so, after demise of his wife, when he applied for encumbrance of the plot, he came to know that there exist a General Power of Attorney registered on the same property dated 24.05.2022 in favour of A1 by A.Vijayalakshmi, who was an impersonated person with an intent to grab the plot. Hence, the complaint was registered against the petitioner.

3. Earlier, this court by an order 16.02.2023 granted interim bail to the petitioner with a condition to deposit a sum of Rs.2,00,000/- to the



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credit of Crime No.02 of 2023 along with other conditions. Today, when the matter taken up for hearing, the learned counsel for petitioner would submit that on execution of sureties, the petitioner was released on interim bail and he has complied the conditions imposed by this court.

4. Considering the fact as per the earlier order, on execution of sureties, he was released on interim bail and he has complied the conditions imposed by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall report before respondent police on every Saturday at 10.30 a.m. for the period of eight weeks;

(b) the petitioner shall not commit any offences of similar nature;

(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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law



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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.

27.02.2023

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To

1. The Land Grabbing Special Court-II,
Allikulam, Chennai.
2. Inspector of Police,
CCB, Team XXV, Anti-Land Grabbing Cell-II,
Vepery, Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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