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Crl.O.P.No.7977 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.7977 of 2023

Sriramulu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T3 Korattur Police Station,
Chennai.
(Crime No.608 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No. 608 of 2022
dated 01.12.2022 pending investigation on the file of the Respondent Police
– T3 Korattur Police Station.

For Petitioner : Mr.J.Janarthanan

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 06.03.2023, for the alleged offences punishable under Section 420, 468, 465, 471, 447, 341, 506(i) of IPC, in Crime No.608 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the owner of the land measuring 8700 sq.ft purchased in the year 2015 and he had also installed bore well in the said land. Meanwhile, on 19.08.2022, petitioner along with other accused trespassed into the property and claimed ownership of the land on the strength of the forged and fabricated documents and threatened him with dire consequence. Hence, the case.

3. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, there was a civil dispute between the petitioner's side and the defacto complainant's side. Thereby, a false complaint has been given by the defacto complainant. Based on which, petitioner was arrested on 06.03.2023 and he is in custody for 39 days and he is prepared to abide by



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any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) submitted that, petitioner along with other rowdy elements had threatened the defacto complainant and attempted to grab the property and also caused damages to the compound wall and also damaged the wall situated in the property. He further submitted that, apart from this case, there is one previous case pending against the petitioner registered for the offence under Section 302 of IPC. Hence, he prayed for dismissal of the petition.

5. In reply, Learned Counsel for the petitioner submitted that, petitioner is ready to stay far away from the jurisdictional limit of the respondent Police. Hence he prayed to grant bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate, Ambattur**, 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 stay at Madurai and report before the B1 Vilakuthoon Police Station, everyday at 10.30 a.m., and 5.30 p.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,



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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.

13.04.2023

sma

To

1. Judicial Magistrate, Ambattur.
2. The Inspector of Police,
T3 Korattur Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
B1 Vilakuthoon Police Station,
Madurai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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