

Crl.O.P.No.6155 of 2015**R.SUBBIAH, J.**

Apprehending arrest at the hands of the respondent-police, in respect of the alleged commission of offences punishable under Section 420 IPC r/w 83 of Indian Registration Act, in Crime No.140 of 2015, the petitioners have approached this Court seeking the relief of anticipatory bail under Section 438 of the Code of Criminal Procedure.

2.The case of the prosecution is that the 1st petitioner herein executed a settlement deed in favour of her son (2nd petitioner herein) in respect of the property in S.No.424/1 measuring 3300 sq.ft situated at Padappai, by registered Doc.No.1472/2006. But, the said land belongs to the defacto-complainant Sathasivam, who had purchased the same from the owners of the said property viz., one Kamala and another. Hence, the criminal case has been registered against the petitioners/accused.

3.Opposing the grant of anticipatory bail to the petitioners, the defacto-complainant has filed the intervening petition contending that the 1st petitioner has fraudulently settled the subject property in favour of her son (2nd petitioner), when she is not the owner of the property.

4.The learned counsel for the petitioners submitted that the petitioners are the owners of the property and in respect of the subject property, two civil suits are pending. Further, there is no intention of cheating on the part of the petitioner. Thus, the learned counsel for the petitioner sought for grant of anticipatory bail to the petitioners.

5.The learned counsel for the intervener has vehemently opposed the grant of anticipatory bail to the petitioner and in this regard, he has also relied upon number of documents to substantiate his contention that the actual owner of the subject property is the intervener and not the petitioners. Further, by executing the settlement deed in favour of the 2nd petitioner, the 1st petitioner has created an encumbrance over the subject property.

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

7.Considering the facts aspects of the case, I am of the opinion that the anticipatory bail could be granted to the petitioners/accused because in this case the entire investigation is based on the documents. Accordingly,

the petitioners are directed to be released on bail, in the event of their arrest or on their appearance before the concerned Court, on each of them 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, Tambaram, and on further condition that the 2nd petitioner shall report before the respondent police every day at 10.30 am until further orders and the 1st petitioner shall appear before the respondent-Police as and when required.

6.The petitioners shall appear before the concerned Court within a period of 15 days from the date of receipt of a copy of this order, failing which, the anticipatory bail granted shall stand automatically cancelled.

09.04.2015

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R.SUBBIAH, J.

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Crl.O.P.No.8497 of 2015

09.04.2015