

CrI.O.P.No.8373 of 2016**K.KALYANASUNDARAM, J.**

The petitioners, who are arrayed as A-1 and A-2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 468, 471 and 506(i) of IPC on the file of the respondent police, in Crime No. 5 of 2016 and seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is owner of the property in S.No. 66 /9C2B1 in T.S.No. 60 to an extent of 52 ½ cents. However, the accused by fabricating documents claiming right over the property, resulting in registration of the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are husband and wife and the first petitioner was an employee under the original owner for long number of years and therefore, out of love and affection, he executed a Gift deed in his favour on 03.03.1987. Since then, the petitioners have been in possession and enjoyment of the same. Whiles on 14.09.2015 the de-facto complainant and her husband have demolished the entire building of the petitioners, for which, a criminal case is given against them on 17.09.2015. Since the respondent has

not registered a case, the first petitioner filed Crl.O.P.No. 1552 of 2016 seeking for a direction to the respondent police to register a case and despite the order of this Court dated 27.01.2016, nothing has happened.

4. The learned counsel further submitted that the petitioners have instituted two suits in O.S.Nos. 560 of 2015 and 575 of 2015 before the Sub Court, Salem, against the de-facto complainant for declaration of a title over the property and when the suits are pending, the present complaint is given with an ulterior motive.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

6. Considering the facts and circumstances of the case and also considering the nature of the allegation made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.5, Salem and 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 Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders and the second petitioner, being a lady, shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

K.KALYANASUNDARAM, J.

v s g

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