



*Crl.O.P.No.1757 of 2022*

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**R.PONGIAPPAN,J.**

The petitioner, who apprehends arrest for the alleged offences punishable under sections **406, 417, 420, 465, 468, 471, 506(i)** of I.P.C., in Crime No.82 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the defacto complainant is doing real estate business. During the relevant point of time, A8 along with A9 introduced other accused(A1 to A7) as their owner of the property comprised in S.No.110/1 to an extent of 2.08 Acres situated at Marmbedu Village, Ponneri Taluk, Thiruvallur District. On 07.06.2011, the defacto complainant has paid Rs.50 lakhs to the Accused (1-7). Thereafter, they have executed the power of attorney in favour of the defacto complainant instead of sale deed. Subsequently, they had cancelled the above said power of attorney on 30.08.2011 and on the same day, the Accused(1-7) executed a sale deed bearing document No.9387 of 2011 in favour of Accused (10 and 13). It is further the case that on 19.03.2012, the Accused(10&13) executed a sale



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deed bearing Doc.No.3439 of 2012 in favour of the Accused(8&9) and on 29.08.2012, Accused(8&9) executed a sale deed bearing Doc.No.10233/2012 in favour of the Accused(11&12). Thereafter, the defacto complainant filed a suit in O.S.No.78 of 2014, before the Principal District Court at Tiruvallur and the same is pending. Whiles, on 18.11.2021, the Accused(11&12) executed a sale deed bearing Doc.No.14065/2021 infavour of Accused-13. Now, the accused made an attempt to trespass into the property and threatened the defacto complainant. Hence the present case has been registered by the Law Enforcing Agency for the above said crime.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submit that for the occurrence committed in the year 2014, the defacto complainant herein lodged a complaint in the year 2021. He further submit that the evidence which are all require for completing the investigation is available in form of written documents. Therefore, he pleads for grant for anticipatory bail to the petitioner.

4. The learned Counsel appearing for Intervenor would submit that



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while at the time of selling the property(petitioner mentioned property), the petitioner herein suppressed the fact that there was a civil suit pending in O.S.NO.78 of 2014 on the file of the Principal District Court, Tiruvallur as regards in this property.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is still pending.

6. The submissions made by the learned Counsel appearing on either sides are considered. It is an admitted fact that the petitioner is a Vendor and the defacto complainant is the purchaser. There was a general proposition to be followed before purchasing the immovable property, that, the purchaser has to verify the documents whether the petitioner vendor is having the valid title. In this regard, admittedly Civil Suit is pending before the competent forum. In otherwise, whether the petitioner having the dishonest intention to cheat the defacto complainant are not has to be identified only during the time of Trial.



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7. Accordingly, since the evidences to be collected in this matter are available in the form of registered documents and also in respect to the same issue, Civil Suit is pending, this Court is of the opinion that custodial interrogation may not be necessary for completing the investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned **Judicial Magistrate -II, Ponneri**, on condition that 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 and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police



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as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

**(d)the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 15 days and thereafter as and when required for interrogation.**

(e)the petitioner shall not abscond either during investigation or trial;

(f) 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 has 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

**10.02.2022**

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