



CrI.O.P.No.14649 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471, 420 IPC r/w 34 of IPC, in Crime No.406 of 2015, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are mother and daughter and the defacto complainant is a third party who tried to occupy the commercial property, which is under adverse possession since more than forty years from his time of their spouse of first petitioner, the father of second petitioner. The defacto complainant by using his influence evicted the petitioners and their family members through RCOP petition, which has been dismissed on merits. Thereafter, as a later thought of the defacto complainant suppressing the real legal scenario and influence of the respondent police, portrayed on a frivolous grounds of civil nature as landlord and tenant and launched without giving opportunity to hear the petitioner side formally. Hence the complaint.



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3. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case and this complaint has been lodged in order to grab the property from the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners fabricated forged documents and executed sale deed in order to grab the property from the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that while pending the anticipatory bail petition, the first petitioner executed settlement deed in favour of the second petitioner herein.

6. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, CCB and CBCID cases, Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 petitioners shall appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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