



Crl.O.P.No.16565 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 417, 420, 423, 465 and 468 of IPC, in Crime No.492 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's mother sold her property during the year 2016 through A1 and A2, since the complainant and her sister (minor) their mother took them to SRO, Tambaram, and obtained their signatures, few days after the complainant's father informed them that their grandfather executed her property situated at Nedunkundram Village to an extent of 45 cents and appointed the complainant's father as executant, whereas the said property was illegally transferred to A2 with the connivance of A1 and thereby both accused cheated. Hence the complaint.

3. The learned counsel for the petitioners submitted that the



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petitioners are innocents and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners have involved in illegal transfer of property by cheating. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there has been a land dispute between the defacto complainant and family members with regard to sell the same property in favour of the first petitioner herein through second petitioner. Therefore, custodial interrogation of the petitioners do not required in this case.

6. Considering the facts and circumstances, 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, within a period of fifteen days



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from the date on which the order copy made ready, before the learned Judicial Magistrate Court No-II, Chengalpet, 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 report before the respondent police daily Morning at 10.30 a.m for a period of two weeks thereafter as and when required for interrogation.

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

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



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[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.

21.07.2022

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