



Crl.O.P.No.17664 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 423, 464, 467, 468, 471 of IPC and Section 82(d) of Registration Act, 1908 in Crime No. 21 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the land, bearing Survey No.18/3 to an extent of 66 cents in the middle part out of 2.15 acres in total extent of 4.30 acres, belonged to one Dhanalakshmi Ammal, who executed a Gift Settlement Deed dated 21.08.1981 registered vide document No.2419 of 1981 in favour of her husband's brother's daughter Ramayeeammal. The said Rameeyammal had in possession and enjoyment of 66 cents. Subsequently, new Survey number was assigned as 189/2 for the total extent of 4.30 cents. The said Rameeyammal executed a registered Sale Deed dated 13.05.1987 in favour of Subramania Mudaliar. In turn, he executed a registered sale deed in favour M/s.K.S.Ramesh Business Company being represented by its Managing Partner M.R.Sanghwi.



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3. It is seen that the petitioner's wife and other family members filed a suit for declaration in respect of the subject property in O.S.No.233 of 2018 as against the defacto complainant and others, which is pending on the file of the Principal Subordinate Court, Tindivanam. At the same time, the defacto complainant also filed a suit in O.S.No.43 of 2022 and it is pending on the file of the Principal Subordinate Court, Tindivanam. The present FIR has been registered only after a period of four years of the suit filed by the petitioner and his family members.

4. Considering the above fact and circumstances of the case, as custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Villupuram, on condition that the petitioner shall execute 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 respondent



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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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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 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 petitioner in accordance with law as if the conditions have 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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