



Crl.O.P.No.18594 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 448, 427 and 506(i) of IPC in Crime No.139 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased the property from the petitioners and other co-sharers under sale deeds. On 14.06.2021, when the defacto complainant visit the property, it was noticed that the existing building in the property was demolished on the rear side of the property without their permission and all the debris was also removed. After enquiry, the defacto complainant came to know that these petitioners trespassed into his property with malafide intention and demolished the super structure which was actually sold to the defacto complainant without their knowledge and consent with an ulterior motive to extract money from him. The first petitioner conveyed the property in respect of his UDS along with other co-owners and the sale deeds also registered accordingly. In the absence of the



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rights and the title, the petitioners trespassed into the premises and squatting on the premises without any rights and title with intention to extract money from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the Intervenor would submit that In the absence of the rights and the title, the petitioners trespassed into the premises and squatting on the premises without any rights and title with intention to extract money from the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners have already filed anticipatory bail petition before the learned



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Principal Sessions Judge, Chennai in Crl.MP.No.10436 of 2022 and they were granted anticipatory bail on 04.07.2022. However, they were not able to execute the sureties as directed by the court below Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. It is seen that there are totally two accused persons involved in this case, in which, the petitioners are arrayed as A1 and A2. They have already filed anticipatory bail petition before the learned Principal Sessions Judge, Chennai in Crl.MP.No.10436 of 2022 and they were granted anticipatory bail on 04.07.2022. However, they were not able to execute the sureties as directed by the court below and since one of the accused persons got paralysed and declared as a disabled person.

7. Considering the above facts and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail



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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 XVIII Metropolitan Magistrate Court, Saidapet, Chennai*** on condition that the petitioners shall execute separate bonds 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 2<sup>nd</sup> petitioner shall report before the second respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation and the 1<sup>st</sup> petitioner shall report before the respondent police as and when required for interrogation.**



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[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.

[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.

**16.08.2022**

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