



Crl.O.P.No.19828 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 109, 120B, 448, 465, 467, 468 & 471 of IPC in Crime No. 39 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that one Rajammal had sold her plot to the brother of the defacto complainant by a registered sale deed vide document No.521 of 2002. Thereafter, the brother of the defacto complainant had sold the said plot to the defacto complainant by way of registered sale deed vide document No.4491 of 2005. In these circumstances, On 27.09.2021, one Lakith Hussain/A1 and others entered into the said property and started to clean. When the defacto complainant questioned the same, A1 informed him that the property is owned by his father. Further, a civil suit is pending between A1 and the defacto complainant. A1 executed a power of attorney to the petitioner and later he has cancelled the same. Thereafter, he appointed one



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Subramani as his new power agent and also executed two sale deeds in favour of third parties. Hence, the case.

3. The learned counsel for the petitioner would submit that when the petitioner inspected the property on 27.09.2016, the defacto complainant, along with his henchmen, has trespassed into the property. Therefore, the petitioner filed a suit in O.S.No.4977 of 2016 on the file of the III Assistant City Civil Court, Chennai against the defacto complainant seeking permanent injunction not to interfere with the peaceful possession and enjoyment of the suit property and it is pending. Thereafter, he filed an application to appoint an Advocate Commissioner in I.A.No.1015 of 2018 in O.S.No.4977 of 2016 and the same was dismissed. Aggrieved by the same, he filed a petition in CRP No.3870 of 2019 before this court for stay of all further proceedings and the same was ordered and the CRP is pending. In the mean time, the said Lakith Hussain/A1 has cancelled the deed of power of attorney dated 25.07.2016 registered as document No.4600 of 2016 by way of deed of cancellation of general power of attorney dated 01.09.2021 registered



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vide document No.5648 of 2021. Therefore, he has not subjected the property to any encumbrances or made any alienation in the said property based on the power of attorney. Now, he is ready and willing to withdraw the suit filed by him. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. As far as the petitioner is concerned, he is a power of attorney holder of A1. Subsequently, the power of attorney was cancelled. However, on the strength of the above power of attorney, the petitioner filed a suit in O.S.No.4977 of 2016 on the file of the III Assistant City Civil Court, Chennai, for injunction in respect of the very same property. Now since the power of attorney itself has been cancelled and the petitioner is ready and willing to withdraw the said suit.

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



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6. Accordingly, the petitioner shall withdraw the suit in O.S.No.4977 of 2016 on the file of the III Assistant Judge, City Civil Court, Chennai, within a period of four weeks from the date of receipt of a copy of this order and on such withdrawal 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 Anti Land Grabbing Special Court-I Metropolitan Magistrate, Egmore, Chennai, 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 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.



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[b] the petitioner shall withdraw the suit in O.S.No.4977 of 2016 on the file of the III Assistant Judge, City Civil Court, Chennai, within a period of four weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 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]**.

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

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