



CrI.O.P.No.19772 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 420 r/w Section 468 IPC, in Crime No.694 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had put forwarded a case against the petitioners stating that he had took the house which was taken by the first petitioner's husband in the year 2017 by paying adequate advance amount of Rs.3 lakhs and sub-letting it to third persons with the written consent of the wife of the land owner namely Vasudevan, who was working in abroad at that time and later with the help of goondas in the locality they tried to dispose the petitioner's husband and he forced to file suit before the City Civil Court, Chennai. Thereafter, the said defacto complainant had entered into the suit by way of power of attorney and filed petition to implead him in the suit and filed another petition to evict the first petitioner's husband from the premises which was numbered as RLTOP:12/2012 in the file of the



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District Munsif Court, Alandur. At that time, they had filed petition before the Alandur Judicial First Class Magistrate Court, in order to take case against the husband of the petitioner namely Hari for subletting the property to third parties and the same was dismissed and further, they had filed another Criminal Revision Petition before the Principal District Judge, Chengalpet, which was numbered as Crl.Revision:8/2021, which is posted for hearing. Further, the defacto complainant with the help of the respondent police and Goondas had taken possession of the property by way of willpower and to avoid the interference of the first petitioner's wife and second petitioners daughter. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have nothing to do with the alleged offence. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. It is seen that there are three accused in this case in which, the petitioners are arrayed as A2 and A3. Even according to the case of the prosecution, the first accused is the tenant of the defacto



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complainant/landlord for a sum of Rs.50,000/- as monthly rent and paid Rs.3 lakhs as advance. Thereafter, the first accused sub-lent the said property to the third party and received huge amount. In so far as the petitioners are concerned, the first petitioner is the wife and the second petitioner is the daughter of the first accused. Now, they only apprehend arrest at the hands of the respondent police.

5. Considering the above facts and circumstances of the case, custodial interrogation of the petitioners is not required in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Metropolitan Magistrate No.II, Alandoor, 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



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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.

[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



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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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