



CrI.O.P.No.20293 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 of IPC, in Crime No.34 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are cousins. It is alleged that the petitioners attempted to grab the property of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attempted to grab the property which belongs to the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Even according to the case of the prosecution, the petitioners are brothers and they attempted to grab the property of the defacto complainant. That apart, already a suit is pending in O.S.No.573 of 2021 on the file of the Sub Court, Panruti, in respect of the subject property between the parties. Further, the crime has been registered on the direction issued under Section 156(3) of Cr.P.C for the offences under Section 420 of IPC.

6. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioners does not require in case. Hence, 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 from the date on which the order copy made ready, before the Special Court (Land Grabbing), Cuddalore, on condition that each of the



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petitioners 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 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 at 10.30 a.m., for a period of two weeks and 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.

[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]**.



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

01.09.2022

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