



Crl.O.P.No.21096 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 109, 120B, 448, 465, 467, 468 & 471 of IPC in Crime No.39 of 2022, seek anticipatory bail.

2. The case of the prosecution is that one, Rajammal sold plot No.6 to the brother of the defacto complainant by registered sale deed No.521 of 2002 and he in turn, sold to the defacto complainant by registered sale deed No.4491 of 2005. While being so, one, Lakith Hussain and others entered into the property and starting cleaning. When it was questioned, it was informed that the property is owned by his father. Thereafter, a complain was lodged.

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



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4. The learned Additional Public Prosecutor would submit that the petitioners stood as witnesses to the power of attorney as well as sale deed executed by A1. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that the father of the first accused owned the subject property. While he was alive, he sold out the property to other persons and subsequently the said property was purchased by the defacto complainant. After demise of their father, A2 to A6 who are being the legal heirs, executed settlement deed in respect of their shares in favour of A1. In turn, A1 executed power of attorney in favour of A8 to deal with the property. However, subsequently power of attorney was cancelled. Again, A1 executed sale deed in favour of A9 in respect of part of the property. Other part of the properties sold out in favour of A11. In all the sale deeds and power of attorney, A12 to A15 stood as witnesses. Therefore, they are being A14 and A15, stood as witnesses to the power of attorney as well as sale deed executed by A1. Admittedly, the



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petitioners had no knowledge about the sale of the property by the father of the first accused. A8, who is the power holder was also granted anticipatory bail by this Court. Considering the same, the custodial interrogation of the petitioner does not require in this case.

6. Considering the above fact and circumstances of the case, 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 Anti Land Grabbing Special Court-1, Metropolitan Magistrate, Egmore, Chennai, on condition that each of the petitioners shall execute a separate 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:



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[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 four 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]**.

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

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