



Crl.O.P.No.20126 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections **120-B, 294(b), 341, 420, 465, 468, 506(i) IPC** in Crime No. 7 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, the petitioners without any title deed has executed General Power of Attorney and based on which the sale agreement was entered with the 5th accused/4th petitioner, where the other accused persons have facilitated the same. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that *de-facto* complainant is a relative to the petitioners family. There were totally five accused persons and the petitioners were arrayed as A1, A2, A3 and A5. Further, the disputed property in the First Information Report was ancestral Property originally belonging to one Deivasigamani Mudaliar. After his death, the legal heirs Viz. Padma @ Padmavathy (daughter) and



Kannappan (son) has succeeded the property. The first petitioner namely Kumar is the son of the said Padma @ Padmavathy and he has filed a partition suit in O.S.No.35 of 2008 pending on the file of Sub-Court, Vellore. Suppressing the above facts, the *de-facto* complainant has lodged the above complaint as against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. There are totally 5 accused persons, in which the petitioners are arrayed as A1, A2, A3 and A5. As per the case of the prosecution, A1 who is the father of the petitioner herein settled the subject property by executing Power of Attorney in favour of A4, who in turn executed sale agreement in favour of his own wife. A1 already filed a suit for partition in O.S.No.35 of 2008 before the Sub Court, Vellore and it is pending. The *de-facto* complainant is also none other than the relative of the petitioners and he is also claiming the subject property.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 is made ready, before the learned Judicial Magistrate-IV, Vellore District, 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 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 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 abscond either during investigation or trial.



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[d] the petitioners shall not tamper with evidence or witness 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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