



Crl.OP.No.20369 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 109, 120b, 448, 465, 467, 468 and 471 IPC in Crime No.39 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the alleged property originally belongs to one Abdul Kareem, who is the father of the petitioner. The said property was purchased by the defacto complainant in the year 2005. However, after the demise of the said Abdul Kareem, A1 to A6, who are the legal heirs of the said Abdul Kareem, executed a release deed in favour of A1 and executed a Power of Attorney in favour of A8. Thereafter, the said power was cancelled and sold the subject property to A9 and A11. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A4 and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this



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case. He would further submit that the legal heirs of one Abdul Kareem filed a suit in O.S.No.4977 of 2016 on the file of the City Civil and Sessions Court, Chennai and the same is pending. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with A1, A2, A3, A5 and A6, who were the legal heirs of the said Abdul Kareem, created a forged document and executed a release deed in favour of A1 and sold the subject property to A9 and A11. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court finds that the custodial interrogation of the petitioner does not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the Special Court for Exclusive Trial of Land Grabbing Cases-II, Allikulam, 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.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

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

[d] the petitioner 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

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Anu



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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]**.

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

30.08.2022

Anu

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