



Crl.O.P.No.20790 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 467, 468, 471, 34, 120B of IPC in Crime No.11 of 2022, seeks anticipatory bail.

2. There are totally 12 accused persons have involved in this case, in which the petitioner is arrayed as A11. The case of the prosecution is that the land belonging to the defacto complainant in Survey No.168/7 admeasuring to an extent of 4936 sq.ft and 5310 sq.ft. under Document Nos.4385 of 2012 and 4386 of 2012 purchased from its lawful owners viz. Ramakrishnanan and R.S.Gopalakrishnan and the same is in possession and enjoyment by obtaining revenue patta in his name. While so, without any right or title, the accused Adaikalam executed a settlement in favour of his legal heirs and created a forged documents in the year 2001 and 2007 and in the year 2017 and executed to one K.Bhaskaran. The said K.Bhaskaran knowingly purchased the property and applied for



CrI.O.P.No.20790 of 2022

approval with CMDA based on the forged patta, for construction of building therein. The said K.Bhaskaran had illegally constructed apartments in 3363 sq.ft out of 10246 sq.ft based on the forged sale deeds under document No.1750 of 2017. The petitioner is the General Power of Attorney Holder of the said K.Bhaskaran and sold the flats to eight different purchasers.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervener objected the bail petition and argued that the accused did not purchase the property from original owners. The Will executed by Alameluammal was probated before this Court, the accused have created forged patta based on the forged documents and filed a petition before RDO to cancel the said forged patta and after detailed enquiry, the RDO passed orders on



Crl.O.P.No.20790 of 2022

27.02.2013 to cancel the forged patta and issued fresh patta in the name of the defacto complainant. The accused Adaikalam, Abdul, Pushpa, Annadurai and Hemachandran have executed sale deeds and settlement deeds based on the forged pattas. The accused have filed batch suits against the defacto complainant in the year 2021 with the intention to escape from the criminal case. The defacto complainant has preferred an appeal as against the remand refusal order of the Judicial Magistrate in Crl.O.P.No.1307 of 2022 which is pending. Therefore, he prays for dismissal of the petition.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate Land Grabbing Cases, Thiruvallur, on condition



CrI.O.P.No.20790 of 2022

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 report before the respondent police daily at 10.00 a.m. for a period of four weeks and thereafter 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 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**



Crl.O.P.No.20790 of 2022

of Kerala [(2005)AIR SCW 5560].

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

01.09.2022

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Crl.O.P.No.20790 of 2022

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