



Crl.O.P.No.21627 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 383, 441 and 34 of IPC in Crime No.641 2022, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is a senior citizen, who had purchased a property from A2 and A3 by way of sale deed dated 21.03.2022 after payment of full sale consideration. The further case is that in order to defeat the right of the de-facto complainant, the accused after receiving the full sale consideration have inducted a tenant inside the premise. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is the brother of the person who is the tenant in respect of the premises. There was a dispute between the owner and the petitioner's brother in respect of eviction. While so, the owner of the property has sold the property to the de-facto complainant and thereafter a false complaint has been given by the owner of the



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property and the subsequent purchasers to evict the petitioner's brother by force. Now based on the false complaint, the petitioner's brother and the petitioner under the threat of arrest were made to run away and in their absence, the defacto complainant with the help of the Police and rowdy elements razed the entire structure. He would further submit that the brother of the petitioner, who has been arrayed as A5 has been granted anticipatory bail by this Court in Crl.O.P.No.20358 of 2022.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner along with his brother entered into lease agreement in respect of the subject property, which was already sold to the de-facto complainant. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Heard both the learned counsels and perused the materials available on record.

6.Taking into consideration the facts and the submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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7. 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 X Metropolitan Magistrate, 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 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;



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[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 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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