

Crl.O.P.No.28318 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 465,467,468,471,420 r/w 120(b) of I.P.C in Crime no. 525 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the subject lands belongs to him and the petitioner and other accused who were the land grabbers have encroached the land allegedly by creating some fabricated documents. The further case of the petitioner is that the petitioner obtained power of attorney from one D.Balasundara Balu and D.Krubanandham. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a innocent person and the said power of attorney came to be revoked by his principal vide Registered Doc No.596 of 2022. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner assisted with other accused who were land grabbers and also got power of attorney to the said land. Hence, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and the submissions, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Special Metropolitan Magistrate for CCB and CBCID Cases, Egmore, Chennai -8** 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 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 Court concerned 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 every Wednesday at 10.30 a.m. for a period of four weeks and thereafter, appear before the trial Court on all hearing dates.

(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 anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

20.12.2022

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23.12.2022