



Crl.O.P.No.28885 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 468 and 34 of IPC in Crime No.12 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Balasubramaniam is that the land comprising in Survey No.13/2 measuring to an extent of 1.24 acres in Panapakkam Village belong to his ancestors. The further allegation is that the accused by impersonating and fabricating the documents have sold the property to the third parties. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner, who is an industrialist, is arrayed as A6 in this case. He would further submit that he is an innocent purchaser having purchased the property in the year 2016 by paying valid sale consideration and after purchasing the property, the petitioner has put up a factory and later, he



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came to know that his predecessors in title have purchased the property based on documents alleged to have been fabricated 50 years ago. He would further submit that now the case has been registered based on the directions from the Court and the respondent Police without even conducting a preliminary enquiry, had implicated the petitioner as A6 in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the defacto complainant and his family members are the owners of the property whereas the accused by impersonating and fabricating the documents have sold the property to several persons. He would also submit that the petitioner is one among the purchasers. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.



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6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that the petitioner is one among the purchasers, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Special Judge, Land Grabbing Special Court, Tiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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.

[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]**;



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

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