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CrI.O.P.No.4533 of 2023

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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 419, 423, 465, 468, 471 of IPC and Section 82(d) of the Registration Act, 1908, in Crime No.7 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant N.Mariyammal is that she is the owner of the properties in S.Nos.5/16, 6/2, 6/3 consisting/measuring an extent of 2 Acres 30 Cents situated in Vadaalapakkam Village, Tindivanam Taluk, Villupuram District and had settled 100 cents of property in the name of her elder son Ravi and 0.7 cents of property in the name of her younger son Saravanan. The further allegation is that the petitioner/accused had obtained General Power of Attorney in respect of the property consisting of 1 Acre 70 cents from her sons. Later, the petitioner/accused had sold the entire 2 Acres 30 Cents as plots by partition. Hence the case.



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3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that the petitioner has obtained General Power of Attorney in respect of the property consisting of 1 Acre from the de facto complainant's elder son and 70 cents from the de facto complainant's younger son, based on which, the petitioner has plotted the same, whereas, a false complaint has been given as if the petitioner had cheated the de facto complainant and her sons by selling the total extent of 2 Acres 30 cents of land/property. He would further submit that the petitioner had earlier filed a suit in O.S.No.231 of 2022, which is also pending before the learned III Principal Sub Judge, Tindivanam. While so, a false complaint has been given. He would further submit that the entire case of prosecution is borne out by records. He would further submit that the petitioner would not make any further Sale Deeds in the land/property in respect of the disputed 60 cents. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to



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abide by any stringent condition that may be imposed by this Court.

Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner after obtaining General Power of Attorney from the sons of the de facto complainant, has sold excess land other than what is in the Power of Attorney. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either sides, this Court is inclined to grant anticipatory 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



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from the date on which the order copy made ready, before **the Special Court of Land Grabbing, Villupuram**, 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall file an Affidavit of Undertaking before the concerned jurisdictional Magistrate the he will not further encumber the property till the disposal of the suit in O.S.No.231 of 2022 pending on the file of the learned III Principal Sub Judge, Tindivanam.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.



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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

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