



Crl.O.P.No.6263 of 2023

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WEB C **C.V.KARTHIKEYAN, J.**

The petitioners seek anticipatory bail in Crime No.3 of 2023 registered by the respondent police for the offence under Sections 420, 465, 467, 468 and 471 IPC on 24.1.2023.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent Police.

3.It is the case of the prosecution, that the de facto complainant, had acquired the property in Survey No.631/1, measuring 11 cents at Periya Kuppan Village, Tiruvallur Taluk and District through her father Govindasamy Naciker, who was the successful bidder in a Court auction which took place in the year 1984. It had been stated that thereafter the petitioners herein are the grandsons of Govindasamy Naicker, whom the learned counsel states it is actually Govindaraju Naciker. It is stated that after the death of Govindaraju Naicker/Govindasamy Naicker his son Sathiyaselan, the father of the petitioners had possessed the property and it is stated that the petitioners have been living there continuously. It is stated that their father died in the year 1986. Regarding this particular property, to find out whether the petitioners can lay a claim on it or whether the de facto complainant has a claim over it, a suit is now pending in O.S.No.3 of 2017, before the District Minsif Court at Tiruvallur.



Crl.O.P.No.6263 of 2023

4. It is the case of the prosecution that the petitioners had committed forgery of a document and have taken possession of the said lands unlawfully to the detriment of the de facto complainant. The learned counsel for the petitioners pointed out that in the document of auction purchase, it had been stated that the parent Document No.639/1984. The learned counsel produced the Document No.639/1985 and also Encumbrance Certificate relating to document No.639 of 1984 and contended that both the documents relates to separate lands and not at all with the subject matter lands. These are issues which are to be examined only during the course of investigation, a direction is given that the petitioners should co-operate with the investigation. Taking all these factors into consideration, anticipatory bail is granted to the petitioners.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Special Court for the exclusive trial of Land grabbing cases, Tiruvallur District**, on condition that each of 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



Crl.O.P.No.6263 of 2023

of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police **daily at 10.30 a.m, until further orders.** If it is found that **the petitioners are not co-operating necessary application to cancel this particular order** filed by the respondent.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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.

31.10.2023

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Crl.O.P.No.6263 of 2023

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Crl.O.P.No.6263 of 2023

31.10.2023