



Crl.O.P.No.6863 of 2023

Crl.O.P.No.6863 of 2023 and

Crl.M.P.No.5255 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427 and 506(i) of IPC in Crime No.137 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Uma Shankar is that he along with his partner is involved in real estate business and during the course of their business, they purchased 40 cents of land from one T.G.Saranaya/2nd petitioner herein, in Sruvey No.254/2 in Nelvoy Koot Road, Mangalam Village, Maduranthagam Taluk, and the same was registered before the Sub Registrar Office, Uthiramerur, on 22.04.2022 in Document No.1595/2022 and from the date of purchase, they were in possession. While so, on 02.05.2022, the said Saranya along with his relatives who were politically influenced persons, had called the defacto complainant to their place for discussion. When the defacto complainant had gone there, they snatched the original sale deed from the defacto complainant, threatened and intimidated him and also driven him



Crl.O.P.No.6863 of 2023

away from the place. While so, the defacto complainant put a hut with iron sheet and the accused, on the same day demolished the shed and also threatened him stating they are politically influenced persons and they criminally intimidated them. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the 1st petitioner is a Engineering Graduate, the 2nd petitioner is a Dentist and the 3rd petitioner is the father of 1st and 2nd petitioners and the 4th petitioner is the brother of the 3rd petitioner. The defacto complainant and his men, under the guise of purchasing the property belongs to the petitioners, had induced them and had taken them to the registrar office and had cunningly executed a sale deed in respect of 40 cents of land which was in the front side. Hence, there was dispute between them which is the reason that the original sale deed was not handed over to the defacto complainant. On coming to know that the petitioners were cheated by the defacto complainant, the petitioners have also filed a suit in O.S.No.20 of 2023 seeking to set



Crl.O.P.No.6863 of 2023

aside the sale executed in document No.1595/2022 dated 22.04.2022.

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While so, the defacto complainant threatened the petitioners in respect of which, the petitioners have given a complaint on 21.08.2022 before the respondent police and enquiry was also conducted by the respondent police in C.S.R.No.884 of 2022. Meanwhile, the defacto complainant, in order to recover the original deed which was with the custody of the petitioners, has given a false complaint as if, it was snatched. He would submit that a case of civil nature, has been attempted to be given a criminal colour by the defacto complainant in order to settle a civil dispute. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent Police opposed for grant of anticipatory bail to the petitioners stating that the petitioners who are politically influenced persons, had sold 40 cents of land to the defacto complainant and subsequently, they have called the defacto complainant to their place under the guise of discussion and snatched the original documents and also threatened the defacto complainant.



Crl.O.P.No.6863 of 2023

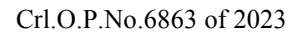
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5. Mr.S.Rajanikath, learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners stating that the petitioners are politically influenced persons and they had sold 40 cents of land to the intervenor and later, on the guise of calling for discussion, snatched the original documents and threatened the defacto complainant.

6. Heard the learned counsel on either side and perused the entire materials available on record.

7.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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



[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 1, 3 and 4 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

The 2nd petitioner shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.



Crl.O.P.No.6863 of 2023

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

Accordingly, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

19.04.2023

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Crl.O.P.No.6863 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.6863 of 2023

19.04.2023