



CrI.O.P.No.10560 of 2023

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K.KUMARESH BABU, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 420, 465, 468, 471 and 506(i) of I.P.C in Crime No.14 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the four members viz., (i) Irudhayaraj (ii) Ushamary (iii) Pushpamari & (iv) Thomas have been arrayed as accused 1 to 4 in FIR No.14 of 2023 and the petitioners herein have been arrayed as accused 5 to 8 in the very same FIR. The said accused 1 to 4 have sold the lands belong to the de-facto complainant viz., Anthony Raj to the petitioners/accused 5 to 8 without including all the legal heirs of the ancestors of de-facto complainant. The petitioners 1 & 2 have purchased the land admeasuring 58 cents comprised in Survey No.263/2, bearing Patta No.6116, situated at Pinjivakkam Village, Thiruvallur Taluk and Thiruvallur District by way of Sale Deed dated



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02.09.2021 registered as Document No.2420 of 2021 executed by the said accused 1 to 4. Similarly, the petitioners 3 & 4 have purchased the land admeasuring 58 cents comprised in Survey No.263/2, bearing Patta No.6116, situated at Pinjivakkam Village, Thiruvallur Taluk and Thiruvallur District by way of Sale Deed dated 28.10.2021 registered as Document No.3110 of 2021 executed by the said accused 1 to 4. Hence, the de-facto complainant lodged a complaint against the petitioners and the accused 1 to 4. Aggrieved over the same, the petitioners have filed the present petition.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that there is a civil dispute between the de-facto complainant and the accused 1 to 4. The petitioners are bonafide purchasers of the subject lands and the de-facto complainant has no right over the said lands. Hence, the learned counsel prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that already accused 1 to 4 were granted anticipatory bail by the learned Principal District Sessions Judge, Thiruvallur in Crl.M.P.No.810 of 2023 on 24.03.2023. However, he vehemently opposed for grant of anticipatory bail to the petitioners/accused 5 to 8.

5. Considering the above facts and circumstances of the case and also, taking note of the fact that the accused 1 to 4 were already granted anticipatory bail by the learned Principal District Sessions Judge, Thiruvallur on 24.03.2023, this Court is inclined to grant anticipatory bail to the petitioners/accused 5 to 8 with certain 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 is made ready, before the learned Judicial Magistrate, Special Court for Land Grabbing Cases,



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Thiruvallur, on condition that the petitioners 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 conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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, as and when required for interrogation.

[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



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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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

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