



Crl.O.P.No.14603 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 427, 447 and 506 (1) I.P.C. in Crime No.256 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that there is a dispute with regard to the title and possession in respect of properties in survey No.499/1 measuring 0.18 cents and in Survey No.500/1 measuring 1.42 acre and right to draw drinking water in Survey No.500/7. Defacto-complainant filed suit for partition in respect of this property against the petitioners and the suit was dismissed for default. However, in a civil dispute, a false criminal complaint was given and First Information Report in Cr.No.256 of 2023 was registered for the offences under Sections 427, 447 and 506 (1) I.P.C. 1860.

3.In response, the learned Government Advocate (Criminal side) submitted that the disputed property originally belonged to one Ammani



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Ammal, Subramani and Mani / daughter of Ammani Ammal. Mani executed release deed in respect of her right in the property on 27.09.1985. Thereafter, defacto-complainant purchased the property from Ammani Ammal and Subramani in 1994. After execution of the release deed, Mani had no right in the property, however, she chose to execute the sale deed in favour of second accused in 2010. Subsequently, the sale deed in favour of second accused was cancelled by Registrar, Salem, by his proceedings dated 22.02.2022. Thereafter, petitioners/accused tried to interfere with the possession and enjoyment of the defacto-complainant in the property, made criminal trespass, committed mischief and threatened the defacto-complainant with criminal intimidation. They have also cut mango trees and teak trees.

4.Considered the submissions and perused the records.

5.In the light of the facts obtained, from the submission of learned counsel appearing for parties, it appears *prima-facie*, there is a dispute with regard to the title, possession and enjoyment of the properties



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referred above. It is absolutely a civil dispute. Only a civil Court can resolve the dispute between the parties. In view of the allegations that certain criminal offences had been committed by the petitioners and in the nature of the allegations, this Court feels that custodial interrogation of the petitioners is not necessary. In such circumstances, 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 learned Judicial Magistrate, Sangagiri**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand only) each 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 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.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[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.

03.07.2023

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