



Crl.O.P.No.14575 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 465, 468 & 471 r/w Section 34 of I.P.C. in Crime No.235 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioner that defacto-complainant is the sister of accused 2, 3 and 4. There is a property dispute between the defacto-complainant and the accused. In connection with the property dispute and in a civil matter, criminal false complaint was given and on that basis First Information Report in Cr.No.235 of 2023 was registered for the offences under Sections 465, 468 & 471 r/w Section 34 of I.P.C. It is further submitted that co-accused had been granted anticipatory bail in Crl.O.P.Nos.13774 and 13785 of 2023. Apprehending arrest, this petition is filed.



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3.In response, the learned Government Advocate (Criminal side) submitted that it is true that there is a property dispute between accused 2, 3, 4 and the defacto-complainant. When the dispute is pending, A2, A3 and A4 leased the premises to A1, who in turn sub-leased the premises to A5. Now, the accused denied not only the title of the defacto-complainant, but also the rent of the premises.

4. Considered the submissions and perused the records.

5.In the light of the submission of learned counsel appearing for parties, it is seen that the issue between the defacto-complainant, A2, A3 and A4 is a civil dispute claiming title, interest, possession and rent in respect of the disputed property. *Prima-facie*, it appears a civil dispute, however, a criminal complaint was given and First Information Report was registered. In the nature of the allegations made, this Court is of the view that custodial interrogation of the petitioner is not necessary and therefore, the petitioner is ordered to be released on bail in the event of



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arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the XV Metropolitan Magistrate George Town Court, Chennai**, 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 their Aadhar card or Bank pass Book to ensure their identity.

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

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



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

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[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.

03.07.2023

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