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Crl.O.P.No.16870 of 2023

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and Crl.M.P.No.12196 of 2023

RMT.TEEKAA RAMAN, J.

The petitioners/A2 & A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 448, 294(b), 506(ii) of IPC r/w Section 3 of TNPPDL Act, in Crime No.340 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that he had purchased the property in S.No.93/6, Old S.No.8/1 through sale deed vide Doc.No.5875 of 2022 before 8 months. In the said circumstances, the petitioners had threatened the defacto complainant to sell the house in their favour in their favour. Thereafter, on 27.06.2023, the defacato complainant had kept cylinder, fan and other materials for house warming function on 28.06.2023. Thereafter, the petitioners and other accused had demolished the house building on 28.06.2023 using JCB and the same was questioned the petitioners and other accused threatened the defacto complainant with dire consequences. Hence the case.



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3. The learned counsel for the petitioners submitted that A1 and A2 have been arrested and later, enlarged on bail by the trial Court in Crl.O.P.No16696 of 2023 dated 07.08.2023. He further submitted that one Malliga purchased an extent of 297.67 sq.meter in S.No.93/6 at Arunapuram Village, Thirukovilur on 23.09.2015. There was no land left in this Surve number. Despite knowing that the defacto complainant purchased certain extent of land in the same survey number, which is not in existence. Claiming that, the petitioners had demolished the house of the property purchased by them, a false complaint was given. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervener contended that as per the measurement mentioned in the sale deed in the year 2022, 49 sqm has been sold by one Kumar vide Doc.No.5875 of 2022 on 07.11.2022 to the defacto complainant.

5.Per contra, the learned counsel for the petitioners submitted that from the very same person, they have already purchased the same in



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the year 2015. Certain revenue documents have been placed before this Court to show that state on ground there is no such extent and hence, the Revenue enquiry has been made.

6. The learned Government Advocate (Criminal Side) for the respondent would submit that the value of the house demolished is Rs.5,00,000/-.

7. Heard both sides and perused the materials available on record including the FIR.

8. The proceedings of the Tahsildar was drawn to my attention, wherein, the Tahsildar, Kandachipuram, could state that 28 sqm falls short on the state on ground, whereas, the defacto complainant purchased 49 sqm under the sale deed in the year 2022. I am not expressing any opinion as to the title of the respective parties to workout before the competent Court and taking into consideration the accused have purchased the property as early as in the year 2015, I am inclined to grant anticipatory bail to the petitioners with certain conditions.



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9.At this juncture, the learned counsel for the intervenor insists for compensation whether he is the owner of 26 sqm or 46 sqm is a doubt which has been created in view of the revenue proceedings as referred above and hence, I find that the matter may be referred to crime branch to find out how the said Kumar was able to sell an extent which is not available on ground.

10. 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 **learned Judicial Magistrate, Thirukoilur**, on condition that the petitioners shall execute a separate 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 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, 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 abscond, a fresh FIR can be registered under Section 229A IPC.



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11. Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous Petition is also closed.

10.08.2023

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