



Crl.O.P.No.17447 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 120(B), 406, 454 & 380 of IPC in Crime No.682 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant is doing catering business from 2016. The Defacto Complainant and the first Petitioner entered into an agreement in the year 2016 for the disputed land and divided the said land to an extent of 710 sq.ft. (each). The total extent of the disputed land is 1420 sq.ft. but the first Petitioner gave only 504 sq.ft. land to the defacto complainant, balance 916 sq.ft. land was in the enjoyment and possession of the first Petitioner. Regarding the said dispute the Defacto Complainant questioned the Petitioner and the same was ended in altercation. For which the Defacto Complainant lodged a complaint before the Respondent police and CSR.No.512/2022 was issued. At the time of enquiry, the first Petitioner offered the Defacto Complainant to purchase his land for a tune of Rs.8 lakh (eight lakh only) and paid Rs.1 lakh as advance on the same day and also asked 3 months time to settle the balance amount. Thereafter the Defacto Complainant doing his



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catering business at the said premises and kept some things on 09.06.2023 and locked the premises. On 23.06.2023 the Defacto Complainant went to his premises to take back his things, but it was missing. Then the de-facto complainant came to know that the Petitioners conspired, lurked into the premises of the Defacto Complainant and stolen things and CCTV camera worth about 5 lakh and locked the common path way. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the first Petitioner along with the Defacto Complainant was jointly doing catering business and purchased the petition property at the rate of 50% each. It was the understanding between the Defacto Complainant and the first Accused that the balance 50% of the land to be sold to the first Accused on payment of Rs.8,00,000/- and Rs.1,00,000/- was paid as advance and balance amount was agreed to be paid within a period of three months. After passing of three months, since he was not able to settle the amount, the Defacto Complainant lodged a complaint. Hence, he prays for grant of anticipatory bail to the Petitioners.

4.Without filing any Petition, the learned counsel for the intervener/Defacto Complainant stated that inspite of grant of several months, the first Accused has not come forward to settle the mount. In the mean time,



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he barged the building along with other accused and demolished the compound wall and taken away the articles worth about Rs.5,00,000/-. The Defacto Complainant has specifically avered that the first Petitioner with deathly weapon damaged his car.

5.The learned Government Advocate (Criminal Side) for the Respondent would submit that the matter is under investigation. He would further submit that the CCTV footage is also available and vehemently opposed for grant of Anticipatory Bail to the Petitioners.

6.Heard both sides and perused the materials available on record.

7.Taking into consideration the facts and the submissions made by the learned counsel on either sides, the complicity of the case involved, the fact that materials have been taken away and the photographs produced before this Court shows the activity carried on by the Petitioners, I am not inclined to grant anticipatory bail to the Petitioners.

7.Accordingly, this Petition is dismissed.

07.08.2023

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