



Crl.O.P.No.18725 of 2023

Crl.O.P.No.18725 of 2023

RMT.TEEKAA RAMAN, J.

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 447, 448, 379 and 280 of IPC, in Crime No.454 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first and second petitioners are the son-in-law and daughter of the third petitioner. The third petitioner is lawful wedded wife of Chakrapani. The fourth petitioner is another son-in-law and the fifth petitioner is some of the third petitioner's sister. The said Chakrapani has purchased land in his name and in the name of his son/the 5th petitioner herein. During the period of Covid-19 Pandemic, the said Chakrapani suddenly died. While the said Chakrapani alive, the second and third petitioners cultivated paddy were harvested and stocked the 300 bags in the custody of TNCSC and further the Innova Car bearing Registration No.TN 40 BD 3435 belonging to the third petitioner parked in Vadavur village. After the demise of husband of the third petitioner Manoharan who is claiming



Crl.O.P.No.18725 of 2023

WEB COPY

himself as the son of second wife of Chakrapani at Malaysia filed a complaint through online from Malaysia. Thereafter, the follow up action was done by Muthukumar who is none other than a land grabber. Later, the said Muthukumar has assigned a power of attorney on behalf of Manoharan. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they are falsely implicated in this case. The de-facto complainant and connected unlawful elements has unlawfully stolen the Innova Car belonging to the third petitioner. He further submits that after the complaint was registered, the police recovered the Innova car from the illegal custody of the accused persons and now it is in the custody of the learned Judicial Magistrate Court, Mannargudi. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the charge sheet was filed as against the de-facto complainant and other accused involved in the above case. However, he opposed for grant of anticipatory bail to the petitioners.



CrI.O.P.No.18725 of 2023

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and charge sheet was filed as against the de-facto complainant and other accused involved in the above case, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.1, Mannargudi**, 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:



WEB COPY



Crl.O.P.No.18725 of 2023

[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, weekly once 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.

24.08.2023

nvi



WEB COPY



Crl.O.P.No.18725 of 2023

RMT.TEEKAA RAMAN, J.

nvi

Crl.O.P.No.18725 of 2023

24.08.2023