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CrI.O.P.No.19029 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC, in Crime No. 532 of 2015, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have cheated the defacto complainant by selling the Government Poramboke land to the extent of half a ground situated at Selvaganapathy Nagar, Tiruverkadu, during the year 2007. hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is also one of the purchaser, who purchased the property and sold it to a third party, who had sold it to the defacto complainant and hence, the



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petitioner has nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused have sold the Poramboke land belongs to the Government to the defacto complainant as if they are the owners of the said property and thereby cheated the defacto complainant. He would further submit that the case as been registered in Crime No.532 of 2015 and notice under Section 41 Cr.P.C was also issued and the case is under investigation. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

6. It is seen that originally A1 is said to have obtained general Power of Attorney and sold the property to the petitioner, who is arrayed



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as A2 and in turn A2 has sold the property to the A3 and subsequently, A3 sold the property to the defacto complainant. It was represented that the Survey number of the land sold by the accused is S.F.No.40/3 however, the land mentioned in the sale deed is S.F.No.36/8, which is a Government Poramboke land.

7. Taking into consideration the facts and circumstances and also taking note of the fact that the matter is of the year 2015, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the



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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 appear before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

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

[d] the petitioner 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 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9. The Investigating Officer is required to investigate as to how the Sub-Registrar, Kundrathur, has registered the Government Poramboke land in favour of the private parties and do the investigation in this regard.

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