



Crl.O.P.No.19460 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), 465, 468, 471, 420, 454 and 506(i) of IPC, in Crime No. 537 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant has purchased a vacant site in S.No.77/1 Plot No.4 at Nehru Nagar, Mathur, to an extent of 2739 Sq.ft through bank auction on 15.09.2021 for a sale consideration of Rs.62,00,000/- and a sale certificate was issued in his favour dated 10.11.2021, the same was registered as Doc.No.10000/2021 before SRO, Thiruvotriyur, on 26.11.2021. After issuance of issuance of sale certificate, he was in the possession of the property. Thereafter, after two months from the date of his purchase, when he went and saw his property, the 1st accused erected a shed in his land and when the defacto complainant and his sons questioned the same, the 1st accused showed agreement for lease between the 1st petitioner and



Crl.O.P.No.19460 of 2023

the 1st accused for a period of five years in the year 2018 itself, and threatened them with dire consequences. Hence, the defacto complainant lodged a compliant alleging that the petitioners with the connivance of the A1, in order to grab the property of the defacto complainant created bogus lease deed and thereby cheated the defacto complainant.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the 1st petitioner is 77 years old senior citizen and the 2nd petitioner herein has nothing to do with the transaction with the 1st accused. He would also submit that A1 in this case was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit the petitioners along with other accused, in order to grab the defacto complainant's property, fabricated the forged document and cheated the defacto complainant and when the



Crl.O.P.No.19460 of 2023

WEB COPY

defacto complainant questioned the same the petitioners threatened them with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that pursuant to the sale certificate issued under the SARFAESI Act proceedings, the defacto complainant is in possession. However, A1 is trying to interfere with the possession on the alleged lease deed dated 19.12.2018. I have perused the copy of the alleged lease deed, which is for five years. The stamp vendor Mrs.A.Dhanalakshmi, is said to have issued a stamp paper.

6. Considering the facts and circumstances and taking into consideration the submission of the learned counsel for the petitioners that the 1st petitioner is aged about 77 years old, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of



Crl.O.P.No.19460 of 2023

fifteen days from the date on which the order copy made ready, before the **District Munsif cum Judicial Magistrate, Madhavaram, Chennai**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 1st petitioner shall appear before the respondent police as and when required for interrogation and the 2nd petitioner shall report 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;



Crl.O.P.No.19460 of 2023

[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 absconds, a fresh FIR can be registered under Section 229A IPC;

8. The Investigating Officer is hereby required to conduct an enquiry into the genuineness of the lease deed.

07.09.2023

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RMT.TEEKAA RAMAN, J.



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CrI.O.P.No.19460 of 2023

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