



Crl.O.P.No.22925 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/second accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 & 420 of IPC in Crime No.20 of 2023, seeks anticipatory bail.

2. It is stated that there was a land transaction of about 5378 sq.ft., of abutting the sea in the year 2010. During the Varda storm in the year 2016, the land washed away and thereafter, in the year 2019, owing to dispute over approval, a complaint had been given by the defacto complainant / purchaser of the land.

3. It is contended that the accused Nos. 1 and 3 had died. The the first accused had died about 6 years back and the third accused had died about three years back. The complaint had still been given before the respondents police showing them as accused.

4. The learned Senior Counsel states that at the time of sale, there is only a dispute of panchayat approval and not about DTCP approval for the lands. It is also contended that the land had been registered in the year 2010. The claim is now made by the defacto complainant. The defacto complainant had also lodged FIR against the first and third accused, though they are dead. It is therefore clear that he does not know the actual facts.



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5. Having considered all these facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate No.I, Alandur, on condition that the petitioner shall execute a 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 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 report before the respondent police daily at 10.30 a.m., until further orders.

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



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[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]**.

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

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