



Crl.O.P.No.23013 of 2023

C.V.KARTHIKEYAN, J.

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The petition is straight away dismissed against the 2nd petitioner/E.Mohanraj since he had already been arrested.

2.Orders are passed with respect to the 1st petitioner/S.Eambaram and the 3rd petitioner/E.Ramadoss. The two petitioners seek anticipatory bail in Crime No.542 of 2023 registered under Sections 420 and 506(i) IPC on a complaint given by one Devadoss.

3. It is stated that the said Devadoss had purchased a part of land in Survey No.92/5 C-1, measuring around 9 cents from one Pachaipappan on 21.4.2003. It is claimed that he did not earlier examine the encumbrance certificate. Thereafter, he found that the said land had already been sold by Pachaipappan to one Murugan and Manikandan. The said Pachaipappan however sold an alternate piece of land to one Devadoss. It is thereafter stated by the de facto complainant that the original document of the sale deed of the year 2003 was handed over to the petitioners and they had promised to cancell the same and they had however demanded money. This is an issue which will have to be examined primarily before a Civil Court since cancellation of a sale deed will have to be proved only through a decree of Civil Court. In view of these facts, anticipatory bail is granted to 1st and 3rd petitioners.



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4. Taking into consideration the facts and circumstances, the petition stands dismissed insofar as the 2nd petitioner is concerned. The 1st and 3rd petitioners are concerned, anticipatory bail is granted.

5. Accordingly, the 1st and 3rd petitioners are 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 District Munsiff cum Judicial Magistrate, Thirukazhukundram**, on condition that the 1st and 3rd petitioners (each) 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 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 and 3rd petitioner **shall report before the respondent police every day at 10.30 am., for a period of three 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]**.

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

30.10.2023

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