



Crl.O.P.No.410 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners who apprehend arrest at the hands of the respondent Police for the offences registered under Sections 147, 294(b), 448 and 506(i) of IPC in Crime No.537 of 2023, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant had alleged that she had purchased a flat from Andrea Home's Owner C.M.John at Ambattur, in building No.13138/2012 and possession had also been handed over to the defacto complainant through construction contractor. In this particular sale transaction, the first petitioner herein had raised a dispute claiming title. It is the further case of the prosecution that the petitioners herein had trespassed into the said land.

3.It is also stated that the first petitioner had filed a suit which came to be dismissed.

4.Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5.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 **Judicial**



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Magistrate, Ambattur, Chennai on condition that the petitioners shall execute a 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 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 1 to 4 shall report before the respondent Police, once in a week, ie., on every Saturday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation. The 5th petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[c] At the time of executing sureties, the petitioners shall file an affidavit of undertaking stating that they will take recourse before the civil court for the disputes as against the defacto complainant and will not trespass into the land.

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[f] 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].

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

18.01.2024

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