



Crl.M.P.No.1975 of 2024 in Crl.OP.No.18665 of 2018

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G.K.ILANTHIRAIYAN, J.

This petition has been filed to cancel the anticipatory bail granted to the 1st respondent by this Court in Crl.O.P.No.18665 of 2018 by an order dated 30.01.2019.

2. The first respondent filed Anticipatory Bail before this Court apprehending arrest at the hands of the 2nd respondent police for the offences punishable under Sections 419, 465, 467, 469 and 120(b) of IPC in Crime No.17 of 2018. This Court granted Anticipatory Bail to first respondent on the following conditions :

"Accordingly, the petitioner shall deposit the original title deed in respect of the property situated at No.24, Chandran Nagar, Thiruneermalai Village, Pallavaram, Kancheepuram District registered as document No.5532 of 2017 to the credit of Crime No.17 of 2018 within a period of two weeks from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned The Judicial Magistrate, 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. Thereafter, the petitioner shall hand over the said property to the defacto-complainant within a period



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of eight weeks from the date of execution of sureties, failing which the anticipatory bail granted to the petitioner shall stand automatically cancelled without further reference to this Court. The petitioner shall also comply the following conditions:

[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 deposit the original title deed in respect of the property situated at No.24, Chandran Nagar, Thiruneermalai Village, Pallavaram, Kancheepuram District registered as document No.5532 of 2017, to the credit of Crime No.17 of 2018 before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the time of conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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



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Supreme Court in P.K.Shaji vs State of Kerala [(2005) AIR SCW 5560].

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

3. Subsequently, the first respondent filed petition for modification to modify the conditions imposed by this Court i.e., "The petitioner shall handover the said property to the defacto-complainant within a period of eight weeks from the date of execution of surety failing which the anticipatory bail granted to the petitioner shall stand automatically cancelled, without reference to this Court." This Court in Crl.M.P.No.10224 of 2019 by an order dated 26.08.2019 passed an modified order as follows:

" The condition that the petitioner shall hand over the possession of the said property to the defacto-complainant within a period of eight weeks from the date of execution of sureties stands deleted. Other conditions shall remain intact."

4. Now, the petitioner filed this petition to cancel the Anticipatory bail granted to the first respondent only on the ground that as directed by this Court, the first respondent failed to hand over the vacant possession of the



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subject property. Further, the first respondent also filed suit in O.S.No.143 of 2019 on the file of the District Munsif Court, Alandur for permanent injunction in respect of the very same property. Therefore, the condition imposed by this Court has been already modified by an order dated 26.08.2019 in Crl.M.P.No.10224 of 2019.

5. In view of the above, there is no ground to cancel the anticipatory bail granted to the 1st respondent by an order dated 30.01.2019. As such, this petition is devoid of merits and liable to be dismissed. Accordingly, this Criminal Miscellaneous Petition is dismissed.

28.02.2024

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