



Crl.O.P.No.7132 of 2024

Crl.O.P.No.7132 of 2024

C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 427, 420, 506(i), and 294(b) of IPC in Crime No.1 of 2024, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the owner of the property measuring to an extent of 30 cents in S.FNo.582 , Kurichi Village, Madhukarai Taluk, Coimbatore which has been purchased by the defacto complainant in the year 2016 vide sale deed registered as Document No.3578 of 2016 in the office of the Sub Registrar, Coimbatore Joint-I.

3.It is the contention of the defacto complainant that she had been in possession right from the date of purchase and the revenue records had also been mutated to her name.



Crl.O.P.No.7132 of 2024

4.The case of the petitioner herein is that he had obtained lease to occupy the lands from the predecessor in title of the defacto complainant, but once the land had been transferred to the defacto complainant by a sale deed, then right and title is only with the defacto complainant and the erstwhile owners title stands extinguished. Therefore, the petitioner herein cannot claim any lawful right.

5.The earlier petition seeking anticipatory bail was dismissed on 27.02.2024 in Crl.O.P.No.2545 of 2024. It is stated that subsequently a co-ordinate learned Single Judge of this Court had granted stay of further investigation in FIR in Crime No.1 of 2024.

6.In view of that particular fact, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 learned



Crl.O.P.No.7132 of 2024

Judicial Magistrate No.VII, Coimbatore, 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 everyday at 10.30 a.m., for a period of two 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



WEB COPY



Crl.O.P.No.7132 of 2024

C.V.KARTHIKEYAN, J.

smv

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.

15.04.2024

smv

Crl.O.P.No.7132 of 2024