



Crl.O.P.No.10609 of 2024

T.V.THAMILSELVI, J.

The petitioner who apprehend arrest for the alleged offences punishable under Sections 406, 420 & 506(1) of IPC, in Crime No.120 of 2024, on the file of the respondent Police seeks anticipatory bail.

2.The case of the prosecution is that based on the unregistered agreement, the petitioner has been claiming right over the property. According to the defacto complainant, his property is attempted to be grabbed by all the accused persons including the petitioner. Based on the unregistered agreement dated 23.03.2023, the petitioner is claiming right, which should not confer any title as per the Civil Law. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the



respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner is trying to grab the property of the defacto complainant based on the unregistered agreement. He further submits that A1 & A2 were arrested and released on bail and the petitioner is A3.

5.Taking into consideration the facts and the submissions made by the learned counsel on either side and the investigation is completed and the co-accused persons have already granted bail, 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 (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Ambattur*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, **out of which one surety should be a blood surety** 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 and on further condition that:



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[a] the petitioner is directed not to create any encumbrance over the property and the petitioner is directed to file an affidavit before the Trial Court to that effect.

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of three months;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioner is 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)***



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AIR SCW 5560/; and;

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

29.04.2024

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