



Crl.O.P.No.12763 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 420, 447, 506(i) r/w 34 of IPC in Crime No.352 of 2024, seek anticipatory bail.

2. The case of the prosecution is that petitioners along with other accused persons encroached the land belongs to the de facto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners herein are ranked as A-1 and A-2 and they are innocent persons and they have been falsely implicated in this case. He further submits that the petitioners were vacated the land and they are ready to abide by any conditions that may be imposed on them by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that petitioners and others encroached the land belongs to the de-facto complainant and that they demanded to purchase the adjacent land and amount was also received but not executed the sale deed. Now, the encroached members were vacated with the help of police and no injury. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Intervenor raised strong objection and stated that, de-facto complainant was staying in abroad and his mother purchased the land in Vadakaal Village, Thiruperumbudur Taluk, and after the death of his mother in the month of October 2023, de-facto complainant had transferred the said land in his name. Meanwhile, he and his wife planned to start a real estate business and at that time, it was came to light that petitioners and others encroached 3 to 4 cents of de facto complainant's land, and demanded Rs.23,00,000/- to remove the encroachment. Thereafter, upon threat of the petitioners and other accused persons, de facto complainant had transferred various amounts to the 2nd petitioner's bank account through G-pay and that accused persons had forced the de-facto complainant to purchase the adjacent



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land through them, for which de facto complainant also transferred Rs.17,00,000/-. However, even after several months, they had neither registered the said land nor returned the money to the de facto complainant and further they threatened him with dire consequences. He further submits that now, the encroachers were removed with the help of police. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Heard the learned counsel appearing for the petitioners, learned Government Advocate (Crl. Side) and Intervenor and perused the materials.

7. Considering the facts that the encroachers were removed with the help of police and same were admitted by the intervenor and investigation is almost completed, considering that this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial***



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Magistrate Sriperumbudur, on condition that the petitioners shall execute a 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall appear before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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



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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) AIR SCW 5560]***; and;

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

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