



Crl.OP.No.12909 of 2024

S.SOUNTHAR, J

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The petitioner/A2 who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 465, 467, 468, 420 IPC in Crime No.15 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the father of the defacto complainant had purchased several properties within the village limits of Nathamedu. After the demise of the father of the defacto complainant, the petitioner along with other legal heirs were in the possession and enjoyment of those properties. A1 had tried to grab the properties claiming that he had rights over 0.31 cents in the same survey number. Subsequently, A1 had filed O.S.No.272 of 2013 before Tiruvallur Subordinature Court against the defacto complainant and the other legal heirs against which an appeal in A.S.No.17 of 2019 was filed and it was decreed in favour of the defacto complainant. While so, A1 through his wife, created a forged power deed and settled 0.31 cents of the property by a registered settlement deed Document No.4948 of 2019 and subsequently he had sold the same to the petitioner. It came to the knowledge of the defacto complainant, when they



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tried to sell the property. At that time, based on the instructions of A4 who promised the defacto complainant to sell the land, the petitioner and A1 had cancelled the deed. On the date of cancellation itself, A1 had executed a General Power of Attorney Document No.12743 of 2023 in favour of the petitioner and using the the said attorney, the petitioner is alleged to have sold the property to A3 vide Document No.14033/2023 on the file of SRO, Thiruvallur. The defacto complainant had put fencing around the property. While so, on the date of occurrence, when the defacto complainant had gone and seen their property, the fencing was removed. Stones were removed. At that time, A1 came and running there and another person tried to assault him. When the defacto complainant questioned them, they abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal side) submitted that the petitioner along with other accused abused and assaulted the defacto complainant and also threatened him with regard to property dispute. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Having regard to the allegations made against the petitioner in the FIR and also the facts and circumstances of the case, 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 Judicial Magistrate-I, Poonamalle* 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



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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 every day at 10.30 a.m., until further orders ;

[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 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.

30.05.2024

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