



CrI.O.P.No.18556 of 2024

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P.DHANABAL,J.

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The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 120(B) and 420 IPC, in Crime No.47 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioners, who are partners in Sri Venkateswara Developers, promoted a layout under the name and style of 'Abhirami Gardens', after earmarking some portion for public purpose and for formation of roads. Thereafter, they gifted the land earmarked for public purpose by deed dated 31.12.2010 and registered as Doc.No.163 of 2011 on the file of Sub Registrar, Singanallur in favour of the local body and also paid the prescribed charges for regularization. In the meantime, pursuant to the order passed by writ Courts, the District Collector, Coimbatore, conducted an enquiry and passed an order to take action against the encroachment of lands earmarked for public purpose. In the said report, it is stated that the lands gifted by the petitioners to the local body was not available. Hence, the case has been registered.

3. The learned counsel for the petitioners appeared through Video Conferenceing and submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prayed to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (CrI. Side) appearing for the respondent police objected to the grant of anticipatory bail to the petitioners stating that in the year 2010, the petitioners executed a gift deed for 56.25 cents in favour of the local body for public purpose. But, later it was found that only 26 cents of land are available, out of which, 08 cents of land belongs to one Marudhachalam, Tmt.Pongiyammal and Palanisamy and thus, the petitioners failed to handover 38.25 cents to the local body. Hence, as per the orders of the Coimbatore District Collector, the Executive Officer of Vellaulur has lodged the complaint.

5. It is seen that it is a case of property dispute and taking into consideration the submissions of both sides and the date of gift deed and also the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Magistrate, Coimbatore**, on condition that the petitioners shall execute a separate 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 and on further condition that:



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[a] the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in P.K. Shaji v. State of Kerala [(2005) AIR SCW 5560].

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S

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