



Crl.O.P.No.30523 of 2024

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**A.D.JAGADISH CHANDIRA, J.**

Apprehending arrest in connection with Crime No.92 of 2024 registered for the offences punishable under Sections 420, 468, 471 and 34 of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that, the land comprised in Resurvey No.221/1, measuring 1 acre 80 cents, originally belongs to Thiruloganadhaswamy temple at Thakkalur, which was sold to the petitioner by A-1 through a registered sale deed vide Document No.964 of 2008 in the SRO of Thirunallar. Subsequently, the petitioner had converted the said land as housing plots and sold to third parties. Hence the complaint.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that the petitioner is a bonafide purchaser of the land, which originally belongs to one Rajamani Ammal, who had executed a registered Will dated 15.02.1970. He would submit that A1, has bequeathed the property, obtained patta, thereafter, sold the same to the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may



Crl.O.P.No.30523 of 2024

be imposed by this Court.

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4. The case of the prosecution as put forth by the learned Public Prosecutor (Puducherry) appearing for the respondent police, submitted that, the petitioner and A1 by colluding together, grabbed the land, which was originally belongs to the Temple, by fraudulent means. He would submit that the petitioner is purchaser of the said property, subsequently, converted the same into housing plots and sold the same to third parties. He would submit that notice under Section 35(3) of BNS was issued to the petitioner. He would further submit that, the investigation is still pending.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, 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 days from the date on which the order copy made ready, before the learned **Judicial Magistrate II, Karaikal**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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



Crl.O.P.No.30523 of 2024

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 his Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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 269 of B.N.S.

**09.12.2024**

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Crl.O.P.No.30523 of 2024

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**Crl.O.P.No.30523 of 2024**

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