



Crl.OP.Nos.12104 & 12105 of 2018

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The petitioners in both Crl.O.Ps, who apprehend arrest for the alleged offences under Sections 419, 465, 467, 468, 471 and 120B of IPC in Crime No.54 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The petitioners in Crl.O.P.No.12104 of 2018 are arrayed as A1 and A3 and the petitioner in Crl.O.P.No.12105 of 2018 is arrayed as A5 in this case.

3. The case of the prosecution as per the de-facto complainant Sumathi is that she is the owner of housing plot in Phase No.3, Dr.Purachi Thalaivar M.G.R. Nagar in Survey Nos.425 and 428 and she had purchased the same from one P.Subramaian during the year 1993 and she is in possession of the property. While so, on 06.06.2017, she had applied for Encumbrance Certificate and it was found that on 14.10.2016, somebody had impersonated her and executed a Power of Attorney in document No. 7120 of 2016 in favour of one Kumar and based on the



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power of attorney, the said Kumar had executed a sale deed in the name of his wife Kamatchi, through document No.7647 of 2016. Thereby, she had requested the respondent police to take action against them. Hence, the complaint.

3. The learned counsel for the petitioners submitted that this Court by order dated 27.04.2018 granted interim bail to the petitioners on certain conditions. Thereafter, as directed by this Court, the petitioners had cancelled the sale deed and cleared all encumbrance over the subject property. Hence, he prays for grant of bail to the petitioners.

4. In view of the above submission that, the sale deed executed in favour of the petitioners has been cancelled, the interim bail granted to the petitioners in Crl.OP.No.12104 & 12105 of 2018 dated 27.04.2018 is made absolute on the following conditions;

[a] the petitioners shall report before the respondent police as and when required for interrogation.

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



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[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 vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

23.06.2022

mpl

G.K.ILANTHIRAIYAN, J.

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