



CrI.O.P.No.15405 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 34, 167, 409, 465, 468 and 471 of IPC and Section 13(2) r/w 13(1)(c) and (d) of Prevention of Corruption Act, 1988 in Crime No.26 of 2019, seeks anticipatory bail.

2. The respondent police based on the reliable source of information and enquiry conducted against marginally noted alleged accused Tr.M.Ettiyappan (A1), served as Revenue Divisional Officer, Tambaram during the period from 2011 to 2013 had indulged in criminal misconduct by way of cancelling the existing patta in Survey No.400 extent 6.56 Acres and in Survey No.405/3 extent of 5.09 acres and transferred the patta in the name of the petitioner. The 1st accused is a public servant under Section 2(c) of the Prevention of Corruption Act, 1988 and the petitioner/2nd accused is a private individual who is said to be residing in the above said address.



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3. Even according to the case of the prosecution, the petitioner fabricated the death certificate and the Will as if executed by her husband and produced before 1st accused who was working as Revenue Divisional Officer. On the strength of those documents, 1st accused directed the Tahsildar to transfer the patta in her name. That apart, the crime is of the year 2019 and no other legal heirs lodged any complaint as if they are also the owners of the subject property.

4. Considering the above facts and also the age of the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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, Tambaram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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, 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 daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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



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registered under Section 229A IPC.

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