



Crl.O.P.No.16082 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 468 and 471 of IPC, in Crime No.445 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A2 impersonated as the original owner and attempted to sell the property in favour of A3 and A4 before the defacto complainant, who is a Sub- Registrar. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the petitioners are arrayed as A3 and A4. A2 impersonated as the original owner of the property and attempted to execute a sale deed in favour of the petitioners herein. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally 5 accused in which the petitioners are arrayed as A3 and A4. Even according to the case of the prosecution, A2 impersonated as if he is the original owner of the property and attempted to sell the same in favour of the petitioners herein. When the documents were presented for registration before the registering authority, the registering authority found that A2 impersonated as original owner and the registering authority refused to register the same. It is further seen that the petitioners are the purchasers and they also paid a sum of Rs.1 Lakh to A2 as an advance.



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6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court-II at Ponneri, on condition that each of the petitioners 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 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 petitioners 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.



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[b] the second petitioner alone shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation. The first petitioner shall appear before the respondent Police as and when required for interrogation.

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

[d] the petitioners 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 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]**.

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

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