



Crl.O.P.No.16486 of 2022

WEB COPY

Crl.O.P.No.16486 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 465, 467, 468, 471, 420 and r/w 34 IPC in Crime No.397 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the property originally belongs to A2 and intended to sell the property to de facto complainant for the total sale consideration of Rs.50 Lakhs. Out of the total sale consideration, the de facto complainant paid only Rs.25 Lakhs and assured to repay the balance Rs.25 Lakhs in a stipulated period. However, the de facto complainant failed to pay the remaining amount and executed the power of attorney in favour of the A2. In turn, A2 sold the said property to A4. A1 is none other than the husband of A4. Further, the case is that A3 who is Document writer failed to produce the original parent document of the subject property, he produced the Non Traceable Certificate which was obtained from another document by

Page 1 of 6



Crl.O.P.No.16486 of 2022

WEB COPY

changing the document numbers and produced before the Registrar Office and registered the document in favour of the A4. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that a co-accused was granted anticipatory bail by this Court in Crl.OP.No.13847 of 2022 dated 17.06.2022. Hence, he prays to grant anticipatory bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the accused persons registered the said property by using the forged documents with the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and also



Crl.O.P.No.16486 of 2022

WEB COURT

taking note of the fact that a co-accused was granted anticipatory bail by this Court, 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 District Munsif cum Judicial Magistrate Madhavaram, Chennai on condition that the petitioner 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 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



CrI.O.P.No.16486 of 2022

WEB COPY

at morning 10.30 a.m. and evening 5.00 p.m. for a period of two 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 registered under Section 229A IPC.

15.07.2022

lok



WEB COPY



CrI.O.P.No.16486 of 2022



WEB COPY



Crl.O.P.No.16486 of 2022

G.K.ILANTHIRAIYAN, J.
lok

Crl.O.P.No.16486 of 2022

15.07.2022