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Crl.O.P.No.17557 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 465, 467, 468 and 471 read with Section 34 of IPC, in Crime No.68 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant is the Executive Trustee of Tamil Nadu & Druggists Educational Trust, Thuraipakkam. It is alleged that one C.L.Metha, who is the father of A1 and A2 was the founder of the defacto complainant's Trust and A3 to A7 are the legal-heirs of the said C.L.Metha. Thereafter, the said C.L.Metha and one C.Manick Chand Jain had settled a land measuring about 30 grounds . Further, the said C.L.Metha died on 17.06.1995, thereafter, A1 & A2 along with A3 to A7 executed Power of Attorney in favour of A8 for dealing with the part of property (measuring 15 grounds) . The said 15 grounds were conveyed in favour of the petitioner herein /A9 and one Vasantha lakshmi/A10. Thereafter, A9 and A10 sold the subject



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property to various parties. It is alleged that, the legal heirs of C.L.Metha had forged the documents and conveyed the property belongs the complainant's Trust in favour of third parties. Hence, the case.

3. The learned counsel for the Intervenor submitted that the petitioner along with other accused purchased the property by way of forging the documents. He further submitted that A8 executed sale deed in favour of A9 and A10.

4. It is seen that there are totally there are 11 accused and the petitioner is arrayed as A9. Even according to the case of the prosecution, the subject property was purchased by the petitioner in the year 2007 vide Doc.No.2213 of 2007 and the present complaint is lodged only in the year 2022. The petitioner is a bonafide purchaser of the said property for valid consideration. That apart, there is no evidence to show that A1 to A7 created sale deed in favour of the petitioner's name.



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5. Considering the above fact and circumstances of the case, 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 Metropolitan Magistrate, L.G-II Court, Allikulam, Chennai** on condition that the petitioner shall execute separate 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.



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**[b] the petitioner shall report before the respondent police 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.

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