



Crl.O.P.No. 18009 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465, 468, 471 r/w 120(b) of IPC in Crime No.8 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in order to purchase the property, the petitioner entered into an agreement for sale with the defacto complainant. It is further alleged that the sale price was fixed as Rs.5,00,000/- and on the day of execution of sale agreement, the petitioner, being purchaser, had paid Rs.1,00,000/- to the defacto complainant and the rest of the sale amount was agreed to be paid in instalments by both the parties. Accordingly, the petitioner had paid Rs.3,20,000/- to the defacto complainant. The defacto complainant had promised to obtain the sale deed from the Tamil Nadu Housing Board, which had sanctioned and approved the said property. The defacto complainant had failed to obtain the sale deed from the Tamil Nadu Housing Board in spite of the petitioner paying Rs.3,20,000/- out of the total



Crl.O.P.No. 18009 of 2022

WEB COPY

sale value of Rs.5,00,000/-. Therefore, the petitioner stopped the payment and requested him to get the sale document as early as possible. Since, the defacto complainant delaying the execution of sale deed, the petitioner, by impersonation, had get the sale deed executed. Hence, the complaint.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally six accused, in which the petitioner is arrayed as A1. On 20.08.1990, the Tamil Nadu Housing Board allotted a house to the defacto complainant. Subsequently, on 02.02.2001, the defacto complainant entered into an agreement with the petitioner agreed to sell the property for a sum of Rs.5,00,000/-. However, knowing all these facts, the petitioner went to the Tamil Nadu Housing Board and got the sale deed executed by impersonating someone as the defacto complainant. On the same day, by impersonating the defacto complainant, a general power of attorney was also registered as document No.488 of 2005 before the Sub Registrar Office at Konnu. Subsequently, A1 had managed the whole property. A2 and A3 were to the witnesses of the sale deed.

4. It is seen that the defacto complainant was allotted the subject



CrI.O.P.No. 18009 of 2022

WEB COPY

property in the year 1990. Thereafter, without even executing the sale deed, he entered into an agreement for sale consideration of Rs.5,00,000/- Thereafter, the defacto complainant did not take any steps to execute the sale deed in favour of the petitioner. However, in the year 2005, the petitioner approached the Tamil Nadu Housing Board for execution of the sale deed in his favour. After a period of 32 years, the defacto complainant lodged a complaint as if somebody had impersonated the sale deed.

5. Considering the above fact and circumstances of the case, custodial interrogation of the petitioner is not required, 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 is made ready, before the learned Special Court for CCB & CBCID Cases at Egmore, 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



CrI.O.P.No. 18009 of 2022

WEB COPY

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 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



CrI.O.P.No. 18009 of 2022

under Section 229A IPC.

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CrI.O.P.No. 18009 of 2022

Lpp

CrI.O.P.No. 18009 of 2022

01.08.2022