



Crl.O.P.Nos.18253 & 18189 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, 467, 468 and 471 IPC in Crime No.116 of 2022, seek anticipatory bail.

2. The case of the prosecution is that one Ramesh Kumar (A1) claimed to have conspired with other accused and by fabricating documents have taken illegal ownership of the property of one deceased Subramanian and the defacto complainant being the niece of the deceased, aggrieved by the acts of the accused have preferred a complaint.

3. The learned counsel for the petitioners would submit that the petitioner are innocent persons and they are no way connected with the alleged offence. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that petitioners fabricated fake documents and taken ownership of the defacto complainant. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there was property dispute between the petitioners and the power of attorney/defacto complainant. After demise of the original owner of the property, the first accused obtained legal heir certificate and execute power of attorney in favour of the second accused. Further, the learned counsel for the petitioner would submit that now the petitioners are ready and willing to cancel the power of attorney, executed by the first accused.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall cancel the power of attorney executed by the first accused, within a period of two weeks from the date of receipt of a copy of this order and on such cancellation, the petitioners are ordered to be released on bail.



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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 No.I, Poonamalle, Tiruvallur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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.

[b] the petitioners shall cancel the power of attorney executed by the first accused, within a period of two weeks from the date of receipt of a copy of this order.



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[c] the petitioner in Crl.O.P.No.18253 of 2022 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 and the petitioner in Crl.O.P.No.18189 of 2022 shall appear before the respondent police as and when required for interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

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

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