



CrI.O.P.No.19103 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 468, 471 and 474 of IPC, in Crime No.6 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant executed a Power of Attorney in respect of the subject property in favour of the petitioner for security purpose. On the strength of the Power of Attorney, the petitioner created forged documents of the property which belongs to the defacto complainant and executed a sale deed in favour of a third party. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant only approached the petitioner to sell the land of the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.19103 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the defacto complainant executed a Power of Attorney in respect of the subject property in favour of the petitioner. On the strength of the same, the petitioner created forged documents and executed a sale deed in favour of the third party. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner is a sole accused. Even according to the case of the prosecution, the defacto complainant borrowed a sum of Rs.10,00,000/- from the petitioner. For security purpose, the defacto complainant executed a Power of Attorney in respect of the subject property in favour of the petitioner. On the strength of the Power of Attorney, the petitioner executed a sale deed in favour of one Sathyan registered vide Document No.2355 of 2022. Now, the defacto complainant lodged complaint alleging that without her knowledge, the petitioner had executed a sale deed in favour of a third party. If at all any grievance in execution of Power of Attorney as security purpose, the defacto complainant ought to have challenged the sale deed in the manner known to law.



Crl.O.P.No.19103 of 2022

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate, Special Court for Land Grabbing Cases at Tiruppur, 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 at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation.



CrI.O.P.No.19103 of 2022

**G.K.ILANTHIRAIYAN, J.**

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[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.

12.08.2022

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CrI.O.P.No.19103 of 2022