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Crl.O.P.No.23132 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 419, 420, 465, 468 and 471 of IPC, 1860 in Crime No.6 of 2022 seeks anticipatory bail.

2. There are totally 11 accused involved in this case, in which, the petitioner is arrayed as A10. The case of the prosecution is that the de-facto complainant purchased a land comprised in Survey No.314/31 and S.No.314/2, Vasantham Avenue, Alamathi, Tiruvallur District ad-measuring to an extent of 2400 sq.ft has been purchased by the de-facto complainant from one T.S.Mani on 18.10.1994 and since then they are in possession of the said land and during recent years when the de-facto complainant wanted to settle the properties in the name of his sons, he had applied encumbrance and he found that his property has been fraudulently sold to some third parties by impersonation and creating a



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forged General Power of Attorney in such a way showing that the defacto complainant has executed the GPA in favour of A1. 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 such offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner has arranged A1 to impersonate the de-facto complainant and execute the power of attorney. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner herein has arranged A1 to impersonate the de-facto complainant as if he is the owner of the property comprised in S.No.314/31 and 314(2) situated at Vasantham Avenue, Alamathi, Tiruvallur District ad-measuring to an extent of 2400 sq.ft and



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execute power of attorney in favour of A2. In turn, A2 executed sale deed in favour of A3 and A4. As far as the petitioner is concerned, he only arranged A1 to impersonate the de-facto complainant and execute the power of attorney.

6. Considering the above fact and circumstances of the case and also considering the fact that this Court dismissed the earlier anticipatory bail petitions against the petitioner, the respondent failed to secure the petitioner and the investigation is still pending, 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-I, Poonamalle, 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



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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 morning at 10.30 a.m. and evening at 5.30 p.m for a period of four 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]**.



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

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