



Crl.O.P.No.23435 of 2022

Crl.O.P.No.23435 of 2022

WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 IPC in Crime No.17 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, by showing fabricated document sold a temple property to the defacto complainant for a sum of Rs.90,00,000/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 74 years and he is an innocent purchaser. He has purchased the property from one Babu on 01.09.2017 through a registered sale deed vide document No.6516 of 2017 registered at the office of Sub-Registrar, Pammal for a valuable sale consideration of Rs.70,00,000/-. Thereafter, the property was sold to the defacto complainant, after three years. He would further submit that the petitioner himself is a victim of circumstances. He would submit that the petitioner was cheated and the property was sold to him and he is also an innocent purchaser and now without prejudice to his contentions he wants to



Crl.O.P.No.23435 of 2022

amicably settle the matter and today he has handed over a Demand Draft of Rs.50,00,000/- to the defacto complainant, (Demand Draft drawn on Union Bank of India, bearing No.52798063 dated 29.10.2022). Further, an undertaking has also given by the petitioner that he will pay the balance amount of Rs.40,00,000/- to the defacto complainant on or before 17.01.2022. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, by showing fabricated document sold a temple property to the defacto complainant for Rs.90,00,000/-. He would further submit that the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel and that the petitioner himself is a victim



Crl.O.P.No.23435 of 2022

and that now he has offered to settle the defacto complainant and he has also paid an amount of Rs.50,00,000/- to the defacto complainant by way of Demand Draft today before this Court and also considering the undertaking of the petitioner that the balance amount of Rs.40,00,000/- will be paid to the defacto complainant on or before 17.01.2022, 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 Land Grabbing Court, Thiruvellur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



Crl.O.P.No.23435 of 2022

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 every Saturday at 10.30 a.m., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

[g] the petitioner shall pay the balance amount of Rs.40,00,000/- to the defacto complainant on or before 17.01.2023.

8. List the matter on 17.01.2023.

31.10.2022

Anu

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.No.23435 of 2022

Anu

Crl.O.P.No.23435 of 2022

31.10.2022
(1/2)