



Crl.O.P.No.24644 of 2022

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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, 420, 419, 465, 467, 468, 471, 109 & 120(b) IPC in Crime No.19 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely one Hemnath Kumar Jain lodged a complaint before the respondent police, in which stated that he and his wife one Seema have jointly purchased a property 195/1, Villangadupakkam Village, Ponneri Taluk, Thiruvallur District, measuring 67.5 cents from one Kamaka through SRO redhills vide document No.4690/2022 on 13.04.2022 and paid Rs.1.1 Crore. After registration on 19.04.2022, the Sub Registrar refused to give the documents and said that he has received a complaint from one Siva Kumar and Kamala. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely roped in in this case. He



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would submit that other than introducing one broker, he has not committed any offence and there is no averment against the petitioner for having impersonated and fabricated the documents and that he has not even gone to the registration office. Further, he would submit that the petitioner was issued notice under Section 41 (A) Cr.P.C., and due compliance of the same, he had also appeared before the respondent for enquiry. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A8 in this case and he is one of the land broker and he went along with the accused and complainant for registration. He would further submit that the main accused had been arrested and released on bail. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Taking into consideration the facts and the submissions, this



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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 Judicial Magistrate, ALGSC Special Court, Thiruvallur 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 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, on 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.



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[d] the petitioner shall not abscond either during investigation or trial.

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[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.

30.11.2022

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