



Crl.O.P.No.25875 of 2022

A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 120B, 467, 468 and 471 of IPC in Crime No.18 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Ganesan is that his brother E.Govindaraja @ Vadivel (unmarried) died on 21.04.2018 and his parents were predeceased his brother. Thereby, defacto complainant became entitled to the property belonging to his unmarried brother. While so, one Vadivel Naicker, who is the maternal uncle of the defacto complainant impersonated and misrepresented himself as the brother of the defacto complainant had executed power of attorney in favour of A2 and A3 during the year 2002, who in turn sold the property to the third party.Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent purchaser and he had taken power of attorney from one Vadivel Naicker during the year 2002 and he had sold the



property to the co-operative society in the year 2005 and the petitioner had paid the entire consideration to the said Vadivel Naicker and he has not committed any offence. He would further submit that the defacto complainant after knowing about the increase in value of the property has lodged a false complaint after the death of his maternal uncle. He would further submit that, on an earlier occasion, enquiry was conducted by the respondent and in due compliance of notice issued by the respondent, petitioner had appeared before the respondent police for enquiry and later the case has been registered. He would further submit that the entire prosecution is borne out by its records. He would further submit that the prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that, A1 in this case impersonated himself as brother of the defacto complainant and executed power of attorney in favour of A2 and A3, who in turn sold the same to the third party. Hence, he opposed for grant of anticipatory bail to the petitioner.



5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the petitioner is 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 **learned Judicial Magistrate-I, Chengalpet District** 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.



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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.

17.11.2022

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