



Crl.O.P.No.26512 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 468, 471 & 420 of IPC, in Crime No.181 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused had removed the remarks of the registration department stating that a power of attorney document registered as Document No.2924 of 2021 was a fake one and therefore the property was transferred to third party. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that there are totally two accused in which the petitioner is arrayed as A1. The petitioner is a Service Engineer working in the Zigma Technologies India Private Limited for the past 15 years and he was deployed at the head quarters of the Registration Department of the Central Chennai. The allegation as against the petitioner is that on 30.03.2021, he had removed the endorsement in respect of the annulation of the power of attorney document by the District Registrar, Central Madras, Chennai. The petitioner cannot access I.P.No.10.236.85.86 without any



password. The password is maintained by the officer concerned and the petitioner has no access and no password to access the said computer which was allotted for the Joint Registrar, Central Madras, Chennai-1. The petitioner is only an employee of the Zigma Technology India Pvt. Ltd., and he has nothing to do with the crime as alleged by the prosecution. He further submitted that he had no knowledge about the subsequent transaction of the property in view of the alleged removal of endorsement and therefore, the custodial interrogation of the petitioner does not require in this petition and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are two accused in which the petitioner is arrayed as A1. Both the accused persons were employed by the Zigma Technology India Private Ltd., in which the petitioner is working as a Service Engineer and he was deployed at the headquarters office of the Registrar Office of the Joint Registrar, Central Madras, Chennai-1. A2 was deployed in the Inspector General of Registration, Chennai, at the help desk. Both the accused persons were connived together and removed the endorsement in respect of the power of attorney filed in document No.2924 of 2021 which was endorsed as "cancelled as fake



document". It was also duly entered into encumbrance certificate. Further both the accused persons removed the said encumbrance on the document and on the strength of the said power of attorney, sale deed has been executed by the other persons. Therefore, to unearth the truth of the entire scam, the custodial interrogation of the petitioner is very much required and it is premature stage to consider the anticipatory bail of the petitioner.

5. Though, this Court had dismissed the earlier petition filed by the petitioner, the respondent failed to secure the petitioner so far. Already, A2 was arrested and remanded to judicial custody. Only because of absconding of the petitioner, now the entire investigation in Crime No.181 of 2022 is stalled.

6. Considering the above facts 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 II Metropolitan Magistrate Court, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related sureties**



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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, and 05.30 p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

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