



Crl.O.P.No.25721 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 467, 468, 471, 474 of IPC in Crime No.28 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Nalini is that her mother is the owner of the land, measuring 88 cents, comprised in Survey No.153/2 at Ozhalur Village, Chengalpattu District. The accused have fabricated the Power of Attorney as if the defacto complainant's mother had gifted the land to the Village Panchayat and based on which, they have applied for DTCP approval. Further, the petitioner has given certificate before the Director of Town Country Planning regarding the land gifted to the Village Panchayat. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner was the Special Officer at the time in the said panchayat and now he is working as BDO in Maduranthakam. He would



submit that A1 in this case had applied for DTCP Approval in respect of the land, believing the Power of Attorney, the petitioner had given a report before the Director of Town Country Planning stating that the land has been gifted to the Village Panchayat. Other than that the petitioner has nothing to do with alleged offence. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 had fabricated the power of attorney and applied for DTCP approval for the defacto complainant's mother land. Based on which, the petitioner, who is the Special Officer at that time, had given a report before the Director of Town Country Planning stating that the defacto complainant's mother land was gifted to the Village Panchayat. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration facts and circumstances of this case and the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. 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 Court-II, Chengalpattu** 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 automatically 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 6.30 pm for a period of two weeks and thereafter every Saturday at 10.30 am 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.

[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.

22.11.2022

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