



Crl.O.P.No.26439 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 offence punishable under Sections 420, 465, 467, 468, 471 and 474 IPC in Crime No.30 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one M.A.Krishnan is that A1 one Selvakumar, suppressing the availability of other legal heirs, had executed a Power of Attorney in favour of the defacto complainant. Pursuant to which, the defacto complainant has sold the property to her own sister and later it was found that the other legal heirs had sold the property to the third parties and thereby cheated the defacto complainant.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A4 in this case and he is an innocent person. He would further submit that as far as the petitioner is concerned, the allegation against him is that he is stood as witness in the cancellation of sale agreement between A2 and A1 and he is not a beneficiary to the



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transaction. He would also submit that no other case is pending as against the petitioner. Hence, the prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused, suppressing the presence of other legal heirs, had sold the property to the defacto complainant by executing sale agreement. He would further submit that the allegation against the petitioner is that he stood as witness in one of the deeds and he is a beneficiary in the transaction. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

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



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Judicial Magistrate 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 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 four 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;

[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



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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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