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Crl.O.P.No.2572 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 419, 420, 465, 467, 468, 471 and 120B of IPC in Crime No.209 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that Mr.P.R.Sharma, the father of the defacato complainant was died on 18.10.19997 leaving behind his wife, two daughter and the defacto complainant as legal heirs of the subject property-land measuring 2400 Sq.ft in Plot No.347, Ashtalakshmi Nagar, Saidapet Taluk(Comprised in S.Nos.345, 327/2A) situated in Chengalpattu District. When the defacto complainant visited the subject property, to his shock came to know that a building had been constructed and Mr.Ganesan and his son are purportedly living in the subject property. Immediately, the defacto complainant applied for encumbrance certificate and it revealed that some unknown person had impersonated as Mr.P.R.Sharma, forged and fabricated the document of the subject



property and the same was registered in the name of Mr.R.Muthulingam on 30.06.2004 for a value of Rs.12,50,450/-. Hence, the defacto complainant lodged a complaint before the respondent police.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the subject property which belongs to the defacto complainant and his family member was impersonated by some unknown person, fabricated the document of the subject property and sold it to Mr.R.Muthulingam. At present Mr.Ganesan constructed a building in the subject property and he is living along with his son. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case, there is no possibility of abscondance and investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Special Metropolitan Magistrate, Land Grabbing Court No.II (FAC), Egmore at Allikulam, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties (out of which one surety should be blood surety) 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



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or Bank pass Book to ensure their identity.

[b] the petitioner is directed to appear before the respondent police on alternative days at 10.30 A.M, for a period of two months and should cooperate for the investigation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] 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 petitioners 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]**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

07.02.2023

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