



Crl.O.P.No.3435 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 423, 465, 467, 468, 471, 447, 294(b), 506(i) of IPC and Section 82(d) of Registration Act, 1908, in Crime No.46 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused have fraudulently created a General Power of Attorney in favour of the petitioner herein/A6 and also fabricated the sale deed and encumbrance certificate in order to grab the property belongs to the de-facto complainant. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is no way connected with the alleged offence and also stated that the de-facto complainant is trying to



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convert the civil dispute to one of the criminal cases with the colour of forgery. He further submitted that the fifth accused was earlier granted anticipatory bail by this Court and also stated that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with the other accused by fabricating the forged documents viz., Power of Attorney, sale deed and encumbrance certificate, attempted to grab the property belongs to the de-facto complainant. He further submitted that the petitioner herein is the brain behind this offence and the accused together attempted to encroach the de-facto complainant's property. He also stated that none of the accused were arrested till date. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and considering investigation almost completed, 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 (15) days from the date of receipt of a copy of this order before the ***learned Chief Judicial Magistrate, Villupuram***, 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 should be the blood surety, who should produce document to show his/her means), 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 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 Court concerned 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 everyday at 10.30 a.m., for a period of



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two months and thereafter, as and when required for interrogation;

[c] the petitioner shall file an affidavit of undertaking stating that he will not make any unlawful encroachment in the property belongs to the de-facto complainant, except in the manner known to law;

[d] 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 has been imposed and the petitioner is 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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