



Crl.O.P.Nos.4935 & 5028 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 420 r/w 120(B) IPC in Crime No.206 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant / Executive Engineer and Administrative Officer, Besant Nagar Division of TNHB Office, is that the petitioners along with other accused, who are also the employees of Tamil Nadu Housing Board by fabrication of documents and tampering of records have sold the housing board lands to private parties. Hence, the complaint.

3.1. The learned counsel for the petitioner in Crl.O.P.No.5028 of 2023 would submit that the petitioner is arrayed as A2 in this case. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the



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petitioner got employed in Housing Board in the year 1996 and he has been working without any blemish. While so, he was promoted to the post of Manager of Marketing and Service and later, during the course of employment, he came to know that certain accused had created and fabricated the documents and have sold the properties belonging to the Housing Board to third parties, by preparing bogus orders and also forging the signatures of the petitioner.

3.2. Immediately coming to know that, the petitioner had given a complaint on 20.04.2022 before the Executive Engineer, Besant Nagar Division, seeking to take action against the persons involved in issuance of bogus orders. Only based on the information given by the petitioner, enquiry was conducted and complaint was given to the respondent police.

3.3. He would further submit that now the petitioner has been suspended and he is also facing enquiry. He would further submit that the petitioner is ready to abide by any stringent conditions imposed by this Court and he is also ready and willing to co-operate with the respondent



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by furnishing his specimen signature or handwriting or in the event of the respondent filing appropriate petition before the Court under Section 311-A Cr.P.C, thereby he would seek for bail. He would also submit that the co-accused in this case namely A6 has been granted anticipatory bail by this Court in Crl.O.P.No.20414 of 2022.

4.1. The learned counsel for the petitioners in Crl.O.P.No.4935 of 2023 would submit that the first petitioner is arrayed as A1 and the second petitioner is arrayed as A9 in this case. The first petitioner is the Manager and the second petitioner is the Cashier. He would further submit that A1 has been arrested and he is in custody and thereby, the petition in respect of the first petitioner has become infructuous.

4.2. He would further submit that as far as the allegation against the A2 is concerned, he being a cashier, his signature has also been forged and receipts have been issued by the main accused. He would further submit that the petitioner is ready and willing to give his specimen signature and handwriting. He would further submit that the petitioner



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was also given a show cause notice for departmental enquiry and action taken against the petitioner. He would further submit that the petitioner is still working in Housing Board and he has been transferred to Tirunelveli Division.

5. Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused, who are the employees of Tamil Nadu Housing Board by fabricating the documents and tampering of records have sold the housing board lands to third parties. Hence, the vehemently opposed to grant anticipatory bail to the petitioners.

6. 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 petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen



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days from the date on which the order copy made ready, before the the **Judicial Magistrate – I, Alandur, Chennai**, on condition that the petitioners shall execute a separate 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 stands dismissed and on further condition that:

[a] the petitioners 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 in CrI.O.P.No.5028 of 2023 shall report before the respondent police every day at 5.30 p.m for a period of two weeks and thereafter, every Saturday at 10.30 a.m, until further orders and the petitioner in CrI.O.P.No.4935 of 2023 shall report before the respondent police every Saturday at 10.30 a.m until further orders.

[c] the petitioners shall co-operate with the respondent by furnishing their specimen signature and handwriting to the respondent.



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners 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;

13.03.2023

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