



Crl.O.P.No.5587 of 2023

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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 and 34 of IPC in Crime.No.4 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant K.Mangalam is that she along with others are owners of the property situated at Grama Natham S.No.8/17 bearing Door No.75 in Senior Street, Muthialpet Village, Kancheepuram Taluk and District. The Legal Heirs of Ramaiah Chettiar had executed the General Power of Attorney dated 09.11.2006 in favour of one Purushothaman (Power Agent), who is her paternal uncle and subsequently, the said General Power of Attorney was cancelled by the executors in the year 2007. While, suppressing the cancellation of the General Power of Attorney, the said Purushothaman (since deceased) along with one Balu/A1 had executed a Sale Deed in favour of the petitioner and one Baskaran/A7 on 18.12.2008. Hence the case.



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3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely roped into this case. He would further submit that the petitioner is an innocent purchaser, having purchased the property on 18.12.2008 from the said Purushothaman and Balu/A1, who are the paternal uncles of the de facto complainant and thereafter, the petitioner is in continuous possession of the property, whereas, due to family dispute, the de facto complainant had earlier cancelled the General Power of Attorney and the other accused Purushothaman and Balu/A1 suppressing the same, have sold the property to the petitioner. The petitioner is unaware of the circumstances. He would further submit that the main accused in this case have approached this Court seeking anticipatory bail in Crl.O.P.No.25893 of 2022 and this Court finding that it is the dispute between the relatives in the same family, had referred the matter for mediation and later, the main accused have also been granted anticipatory bail by this Court on 02.03.2023. He would further submit



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that the entire case of prosecution in respect of the petitioner is borne out by the documents/records. He would further submit that the petitioner is ready to cooperate with the respondent for the purpose of investigation. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the main accused in this case suppressing the cancellation of General Power of Attorney, have sold the property to the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by Counsel on either side, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Kancheepuram**, 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 dismissed and on further condition that :

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond



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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 everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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 himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

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