



Crl.O.P.No.6236 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 alleged offences punishable under Sections 294(b), 420, 120b, 465, 468, 471, 447, 506(2) of IPC in Crime No.178 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Bhavan Kumar is that, he purchased the property bearing S.No.99/3A to the extent of 2.75 acres from one Dhayalan. The further allegation is that the accused one Pattammal suppressing the same, had created forged documents and had sold the above mentioned property to the accused in the year of 2007. The further allegation is that the accused had executed Power of Attorney in favour of one Anbalagan and consequent to which the said property was sold to T.A.Mohankumar on 19.06.2012. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent purchaser having purchased the property from



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one Pattammal on 08.10.2007 via, a registered sale deed. Subsequently, the petitioner had executed the Power of Attorney in favour of one Anbalagan vide document No.274/2009 on 27.04.2009 pursuant to which the property was sold to one Mohan Kumar on 19.06.2012 vide sale deed document no.7098/2012. Later without verifying the document the defacto complainant had purchased the same from one Dhayalan much belatedly on 20.10.2011 through his power agent Kaantipan and now a false complaint has been given against the petitioner. He would further submit that in respect of this dispute, a civil suit is pending against them and that the petitioner is ready to appear before the respondent police for the enquiry. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had purchased the property in the year 2007 whereas the defacto complainant had purchased the property on 20.10.2011. The claim of the defacto complainant is that he purchased the property from the original owner and the accused had purchased through a fabricated



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deed. However, he further submit that the custodial interrogation of the petitioner may not be required and he may be directed to appear for enquiry.

4. Mr.V.R.Balasubramaniam, learned counsel for the intervenor would submit that the accused by fabrication and forgery of documents have taken illegal possession of the valuable property belonging to the defacto complainant. He further submit that the legal heirs of Dhayalan one Chitra had filed O.S.No.11 of 2012 before the II Additional District Judge, Tiruvallur at Poonamallee vide order dated 19.12.2013 has declared that the said Chitra is the owner of the property. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

6. Heard the learned counsel and perused the entire materials available on record.

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



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8. 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 Judicial Magistrate No.II, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 station everyday at 10.30 a.m, for a period of two weeks and thereafter on every Monday at 10.30 a.m until further orders.

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



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[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]**.

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

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