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Crl.O.P.No.6385 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 420, 423, 424, 468, 471, 447 and 506(ii) of IPC in Crime No.99 of 2019, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Vivekanandan is that he is the authorized person of the legal heirs of one Late Dhanasekari Ammal, who owned the property measuring an extent of 32 cents in Kovil Padagi Village, Avadi and she died in the year 1986, after her death, the legal heirs succeeded the property. When the de facto complainant approached the revenue authorities, he came to know that the petitioners, who are the legal heirs of Rani Ammal (sister of Dhanasekari Ammal) along with one Sadanandam, created bogus/forged documents and transferred the aforesaid property in their names, with the assistance of the authorities of Revenue Department.



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When the de facto complainant questioned about the same, they had threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the case is of the year 2019 and the main accused in this case has been granted anticipatory bail by this Court in Crl.O.P.No.33163 of 2019 on 27.01.2020. He also submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners had created bogus documents and transferred the property in their name with the assistance of Revenue Department authorities. He further submitted that originally the property belongs to the legal heirs of Late Dhanasekari Ammal and the de facto complainant is the authorized person of legal heirs of Late



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Dhanasekari Ammal. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the above facts and circumstances of the case and the submissions of either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Poonamallee**, on condition that each of the petitioner 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



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concerned, failing which, the petition for anticipatory bail shall stand 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police every Saturday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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 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



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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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