



WEB COPY



Crl.O.P.No.10252 of 2023

Crl.O.P.No.10252 of 2023

K. KUMARESH BABU, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468, 471, 420 & 34 of IPC, in Crime No.15 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and her husband are the owners of the land measuring an extent of 1 acre and 21 cents situated at Thaiyur Village, Tirporur. The 1st accused had impersonated as owner of the above said property by creating fabricated and false documents and also executed Power of Attorney to the petitioner, who in turn executed a sale deed in favour of one Rajagopalan. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and that his name is also not mentioned in the FIR. He would submit that the petitioner is only the agent in the



Crl.O.P.No.10252 of 2023

WEB COPY

Power of Attorney and the principal only cheated the petitioner and the defacto complainant. He would further submit that the petitioner had cancelled the Power of Attorney as well as the sale deed executed by him in favour of Rajagopalan after he came to know that the property obtained by him was through fabricated and false documents and that the respondent police are trying to implicate the petitioner's name in the FIR. His further submission is that the respondent has issued 41 A notice to the petitioner and the petitioner had also attended the enquiry on 21.04.2023 and co-operated with the respondent police. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the defacto complainant and her husband are the owners of the land measuring an extent of 1 acre and 21 cents situated at Thaiyur Village, Tirporur. The 1st accused had impersonated as owner of the above said property by creating fabricated and false documents and also executed Power of Attorney to the petitioner, who in turn executed a sale deed in favour of one Rajagopalan. Hence, he vehemently oppose to



Crl.O.P.No.10252 of 2023

grant anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Chengalpattu**, 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



Crl.O.P.No.10252 of 2023

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 everyday at 10.30 a.m., until further orders.

[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]**.



Crl.O.P.No.10252 of 2023

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

18.05.2023

gbi/bga



WEB COPY



Crl.O.P.No.10252 of 2023

K. KUMARESH BABU, J.

gbi/bga

Crl.O.P.No.10252 of 2023

18.05.2023