



Crl.O.P.No.10438 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 420, 465 & 468 of I.P.C in Crime No.55 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 21.03.2018, the de-facto complainant viz., Mr.Charles Prabu and his wife have purchased a property bearing Plot No.35 in Survey Nos.103/7 & 103/8 situated at Sri Muthuraja Nagar, Morai, Avadi Taluk from the petitioner and the same was registered as Document No.2957 of 2018 dated 21.03.2018 on the file of Sub Registrar Office, Avadi. Thereafter, the de-facto complainant applied for Patta Transfer in respect of the property which he purchased, however, his application for Patta Transfer was rejected by the Revenue Authorities for the reason that there is no such property available in the said locality. Therefore, the de-facto complainant approached the



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petitioner to solve this problem, but, the petitioner refused to solve the same and that apart, threatened the de-facto complainant. Aggrieved by the act of the petitioner, the de-facto complainant lodged a police complaint against the petitioner on 26.01.2023. On the basis of the complaint given by the de-facto complainant, the respondent Police registered a case in Crime No.55 of 2023. Hence, the petitioner has filed the present petition.

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. He would further submit that the petitioner had purchased the aforesaid property from one T.Anburaj in the year 1997 and the same was registered as Document No.3116 of 1997 on the file of Sub Registrar Office, Avadi. The petitioner is a genuine seller and she has not cheated the de-facto complainant. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that already this Court vide its order in Crl.O.P.No.10789 of 2023 dated 10.05.2023, granted anticipatory bail to the petitioner's husband. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also, taking note of the fact that this Court vide its order in Crl.O.P.No.10789 of 2023 dated 10.05.2023, granted anticipatory bail to the petitioner's husband, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned Judicial Magistrate, Ambattur, 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



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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 conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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, daily at 10.30 a.m., for a period of two weeks 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



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himself as laid down by the Hon'ble Supreme Court in the case of

P.K.Shaji Vs. State of Kerala reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

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