



CrI.O.P.No.10628 of 2023

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**RMT.TEEKAA RAMAN,J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 447 of IPC, in Crime No.988 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused are said to have sold the property by way of registered sale deed to the defacto complainant and thereafter, they have handed over only a portion of the property instead of the possession and when the defacto complaint doing repairs in the said property the petitioner along with his sons and daughters objected to repair the property and thereby cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the defacto



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complainant is known to the petitioner for several years as they resided in the same area and the said complaint has been filed in haste out of difference of opinion between them. He would further submit that the said property was owned by the petitioner from his self-earned money and the 2<sup>nd</sup> and 3<sup>rd</sup> accused, who are the legal heirs of the petitioner turned against him and coerced and tortured the petitioner to settle the property in their name. He would also submit that the petitioner is aged about 76 years senior citizen. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that there are totally five accused in this case in which, the petitioner is arrayed as A1. He would further submit that the petitioner along with other accused have sold the property to the defacto complainant by way of registered sale deed and handed over only a portion of the property instead of possession of the property. He would also submit that investigation has been completed. However, he vehemently objected to grant anticipatory bail to the petitioner.



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5. Taking into consideration the facts and circumstances and also taking note of the fact that the investigation is completed and hence, custodial interrogation of the petitioner is not require in this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 **Principal Sessions Judge, Kancheepuram District, Chengalpattu**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:



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[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 appear before the respondent police weekly twice i.e., on every Monday and Thursday 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]**.

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

**08.09.2023**

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