



Crl.O.P.No.10881 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 465, 467, 468, 471 r/w 34 of IPC, in Crime No. 164 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Srinivasan, is that, he is the owner of the property bearing plot nos.1487 and 1489 in Survey No.75/4C in Madipakkam extension. While so, on 18.08.2018, when he gone to see the place, it was found that some one had compounded his property and on verification it was found that the the petitioner by impersonation and fabrication of documents had sold the property to the third party and later they have obtained loan from the Indian Bank to the tune of Rs.2.44 Crores. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has aged about 64 years. He further submitted that the petitioner approached certain persons for obtaining old age pension and they have taken her to the office and using



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her identity cards they have made her to sign in the certain documents and believing the same, she has done so. other than that, the petitioner does not know anything about the transaction. Later she comes to know that one Suresh had taken her to one Thiru Kadal Uthayam, who is the second accused in this case and he had by impersonation and fabrication of the documents had sold the property. He would further submit that, when the matter was listed up for hearing on 17.05.2023, this Court finding that the petitioner is the Senior Citizen had directed her to appear before the respondent police for enquiry and the petitioner has also appeared for enquiry and has given the statement. He would further submit that the petitioner is not a beneficiary in the transaction and she is ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had colluded with the other accused persons and the accused by impersonation and fabrication of documents transferred the properties belonging to the defacto complainant to the third parties. He



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further submitted that the investigation is pending and hence he object for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 made ready, before the **learned Judicial Magistrate No.I, Alandur**, 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:



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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 report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter on every Saturday 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.

05.06.2023

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