



Crl.OP.No.10977of 2023

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K.KUMARESH BABU, J.

The petitioner/Accused 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471, 34 and 120 B of IPC in Crime No.96 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioner herein is an Power Agent. The defacto complainant's mother Mrs.Kanthammal was the absolute owner of the property at Saidapet and sold 49 cents to one Mr.Lawrence and executed a registered sale deed in Doc No.125/1975 in Saidapet Sub-Register Office. Now the defacto complainant, who is one of the legal heir of Mrs.Kanthammal, claiming that the sale deed executed was a forged and fabricated document. Hence, the complaint.

3. The learned counsel for the petitioner would submit



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that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with other accused person had created the forged and fabricated document. The learned counsel further submitted that A1 was arrested and released on bail. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the fact that A1 was already arrested and released on bail, 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 their appearance, within a



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period of fifteen days from the date on which the order copy made ready, before the learned Special Metropolitan Magistrate II (Land Grabbing Cases - Allikulam), 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:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police weekly twice for a period of four weeks and thereafter as and when required for interrogation.



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[c] the petitioner shall not tamper the 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.

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