



Crl.OP.No.12932 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 120B of IPC in Crime No.44 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathyavathi is that, she is the owner of the property namely a house site bearing Plot No.41 in the Layout known as “VGP Golden Beach Part III”, Injambakkam Village, Sholinganallur Taluk, comprised in Old Survey No.15/1C [part], New Survey No.15/154 measuring an extent of 5 Grounds. The further allegation is that the accused Parvathi along with other accused by fabrication and impersonation and attempted to grab her property. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in this case. He would further submit that the petitioner was approached by one Jugaram in the year 2016 and he had introduced one Parvathy / 1st accused saying



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that she is the owner of the above said property and believing the same, the petitioner had parted with amount of Rs.15,00,000/- to the said Parvathi / 1st accused and she had handed over the original documents to the petitioner. Based on the belief, the petitioner also compounded the property by spending Rs.2,00,000/- whereas later he came to know that the petitioner was cheated by the said Parvathy / 1st accused and Jugaram. He would further submit that the petitioner also is the victim in the transaction and without prejudice to his defense, he is ready and willing to hand over the so called original documents, which are in his possession. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that as per the complaint the petitioner had joined along with other accused by fabricating the documents attempted to grab the property belonging to the defacto complainant. He further submit that notice under Section 41-A Cr.P.C was issued to the petitioner however the petitioner has not turned up for enquiry. He would further submit that the petitioner may be directed to appear and he may also be directed to hand over the alleged original documents, which are in his custody. Hence, he would object to grant



anticipatory bail to the petitioner.

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5. Heard the learned counsel and perused the materials available on record including the documents filed along with the petition.

6. Taking into consideration the facts and the submissions made by the counsel and taking note of the fact that the petitioner undertakes to hand over the original documents, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Land Grabbing Special Court-II, Allikulam, Chennai**, 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 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 deposit the alleged original documents, which are in his custody before the learned Land Grabbing Special Court-II, Allikulam, Chennai, at the time of surrendering and furnishing sureties.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter every Saturday at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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**



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Kerala [(2005)AIR SCW 5560].

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

13.06.2023

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