



Orders reserved on
25.09.2023

Orders pronounced on
29.09.2023

Crl.O.P.No.19033 of 2023

RMT.TEEKAA RAMAN, J.

The Petitioner who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 120B, 419, 465, 467, 468, 471 & 420 of IPC in Crime No.30 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution as alleged by the Defacto Complainant is that one Babu/A2 has impersonated him and executed a power of attorney dated 03.09.2007 appointing the Petitioner as general power of attorney and thereafter, the document was registered and subsequently the Petitioner/A3 sold the property in faovur of Kanagaraj on 12.10.2007 and the said person entered into an agreement of sale with one Ramkumar. The allegation is that Gunasekaran (A3), Kanagaraj (A5), M.Ramkumar, Ramalingam, Sivamani, Barathi, Suseelamani (A1) & S.Babu (A2) have created fake sale deed and power of attorney. The overtact against the Petitioner is, A2 has impersonated as if, he is the Defacto Complainant and appointed the Petitioner/A3 herein as general power of attorney.



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3.Heard the learned counsel for the Petitioner, learned Government Advocate (Crl. Side) and learned counsel for the intervener.

4.Learned counsel for the Intervener would submit that he has filed complaint before the Commissioner of Coimbatore on 30.12.2010 and he withdrew the same during 2012 and filed another complaint on 28.01.2012 along with his Mother and another brother, signature of his Mother and brother are also found in the copy of the said complaint. According to her, case was not registered and he would further submit that his Mother is deaf and dumb and one of his brother is mentally retarder person and hence, he strongly opposed for grant of anticipatory bail.

5.The general power of attorney was made in the year 2007 and FIR was registered only in the year 2023, for 14 years the Defacto Complainant has not taken any steps, however, he has produced previous complaint. Taking into consideration the submissions made by both the parties and document produced before this Court, I am inclined to grant anticipatory bail to the Petitioner with certain conditions.



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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 Judicial Magistrate I, Coimbatore**, on condition that the Petitioner shall execute a separate 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:

[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 as and when required;**

[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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

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Pre-delivery Order in
Cr1.O.P.No.19033 of 2023

Dated 29.09.2023

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Crl.M.P.Nos.13631 & 13744 of 2023

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in

Crl.O.P.Nos.19033 & 19057 of 2023

RMT.TEEKAA RAMAN, J.

Crl.MP.No.13631 of 2023 has been filed to permit the Petitioner to intervene in Crl.OP.No.19033 of 2023.

2.Crl.MP.No.13744 of 2023 has been filed to permit the Petitioner to intervene in Crl.OP.No.19057 of 2023.

3.Being satisfied with the submissions made by the learned counsel for the Petitioners and the reasons stated in the affidavit filed in support of these Petitions, I am inclined order these Petitions.

4.Accordingly, these Petitions are ordered as prayed for.

sai

29.09.2023
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