



Crl.O.P.No.19057 of 2023

***Orders reserved on
25.09.2023***

***Orders pronounced on
29.09.2023***

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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 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 A3 as general power of attorney and thereafter, the document was registered and subsequently A3 sold the property in favour of the Petitioner/A5 on 12.10.2007 and A5 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.

3.Learned counsel for the Petitioner submitted that the property originally belongs to one Chinniya Gounder. He had executed the settlement in



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favour of his brother's son, who is the Father of the defacto Complainant herein.

The beneficiary/Defacto Complainant's father died leaving behind his wife, Defacto Complainant and his brother. As per the Sub-Registrar document, the general power of attorney dated 12.10.2007 is registered in favour of A3, who is turn has sold to A5 and now it is represented that an agreement of sale was entered between A5 & A4. The Petitioner/A5 was served with notice of suit for specific performance in O.S.No.328 of 2019 on the file of the District Court, Coimbatore filed by the agreement holder and hence, false case has been instigated by the other parties, after sleeping over the matter for 15 long years.

4.Learned counsel for the Intervener submitted that the defacto complainant never went to the Sub-Registrar Office, Gandhipuram and on enquiry, A2 appears to have impersonated him and his aunt, who is arrayed as A1 has stood as witness. A2 has executed general power of attorney in favour of A3, who has sold the property to A5, wherein A4 has attested the document and also entered into an agreement of sale and filed O.S.No.328 of 2018 for the specific performance of the said settlement agreement. He further submitted 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



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

6.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.

7.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**



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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 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]**.



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[f] If the accused thereafter abscond, a fresh FIR can be

WEB COPY registered under Section 229A IPC.

29.09.2023

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WEB COPY



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Pre-delivery Order in
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Dated 29.09.2023

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