



Cr.O.P.No.24820 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471, 120(B), 34, 109 of IPC in Crime No.96 of 2021, seek anticipatory bail.

2. The case of the prosecution is that one Sukumar and Prakash approached the petitioners stating that they have got an vacant land for sale at Puthakaram Village, Madhavaram Taluk in Survey No.30/2 and 30/4 to an extent of 2440 sq.ft. The petitioners decided to purchase the said property and also availed loan. Since, two houses can be constructed and sold in the land, the 2nd petitioner has decided to get the land by way of two sale deeds. Accordingly, the sale deed was executed on 28.11.2020 vide document No.12832 of 2020 before the Sub Registrar, Ambattur to an extent of 1180 sq.ft. Another sale deed was executed on the same day vide document No.12833 of 2020 to an extent of 1260 sq.ft.



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After purchase, one Venkatraman, approached the petitioners for sale-cum-construction of house in the purchased lands. Accordingly, the land was sold to the said Venkatraman on 03.02.2021 vide document No.1838 of 2021. Thereafter, the 2nd petitioner has constructed a house in the said land and handed over the same to the said Venkatraman. At present, the said Venkatraman is residing in the house. Thereafter, the defacto complainant came to know that the accused by impersonation had executed a false power of attorney in favour of one Sukumar and the same was registered as document No.12830 of 2020. Based on the fabricated documents, the sale was executed in favour of the 1st petitioner by way of two sale deeds and the 2nd petitioner has signed as witness. Therefore, the petitioners were implicated in this case.

3. The learned counsel for the petitioners would submit that the petitioners are arrayed as A5 and A6. They are also innocent persons and they purchased the property from A2, who is the power holder of the entire subject property. Therefore, A2 is the master brain behind the entire crime



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and cheated the petitioners. Though, the second petitioner is the Attester of rectification deed of Power of Attorney, he has nothing to do with the crime as alleged by the prosecution. He further submitted that if the petitioners are granted interim protection, they may be able to secure A2, since if A2 is secured, the entire issue will be solved.

4. It is also seen that after selling the plot to the subsequent purchaser/Intervener in CrI.M.P.No.16076 of 2022, the petitioners also entered into the crime for construction including the sale consideration. So far, the subsequent purchaser/Intervener in CrI.M.P.No.16076 of 2022 had paid Rs.1,23,00,000/-. On receipt of the same, the petitioners also had put up construction and the subsequent purchaser/Intervener in CrI.M.P.No.16076 of 2022 is residing there. Therefore, it seems that A2 is the main culprit, who is not yet secured by the respondent Police.

5. On perusal of records reveals that the Intervenor namely Venkatraman purchased very same property from the original owner



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namely Hemalatha/Defacto complainant sale consideration in favour of his wife. A2 was also arrested and subsequently, released on bail. According to the defacto complainant, A2 is the main vendor, he had no source of money. However, the petitioners, while purchasing the subject property from A2, they had paid the entire sale consideration. Thereafter, in order to sell the subject property in favour of said Venkatraman, they received a sum of Rs.1,23,00,000/- as sale consideration and also constructed the independant house they had entered into an agreement for sale. Accordingly, the petitioners had completed the construction and the said Venkatraman was put into a possession of the independant house. The petitioners are liable to return the sale consideration which was received from the said Venkatraman.

6. At the same time, they also paid entire sale consideration to the A2 while purchasing the subject property. For the amount received for construction, they completed the construction and handed over the house in favour of the Venkatraman. Further, the petitioners are also builders and they used to purchase a property and after developing the same, used to



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sell the same to the third parties. Now, though A2 is the main vendor, he had parted the entire sale consideration in collusion with the impersonator. Till today, the impersonator has not been traced out by the respondent.

7. Considering the above facts and circumstances of the case, since the the custodial interrogation of the petitioners do not require, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions

8. Accordingly, the petitioners are directed to deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) jointly in the name of Intervenor namely Venkatraman by way of Fixed Deposit drawn on any one of the nationalized bank within a period of four weeks from the date on which the order copy made ready, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **learned Judicial Magistrate I, Poonamallee** on condition that the petitioners shall execute a separate bond for a sum of



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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 petitioners 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 petitioners shall deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) jointly in the name of Intervenor namely Venkatraman by way of Fixed Deposit drawn on any one of the nationalised bank, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



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[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

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