

Crl.O.P.No.27631 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 419, 420, 465, 467, 468, 471, 120 B of IPC in Cr.No.325 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's husband and the defacto complainant are siblings. Further, there was a civil dispute between them with regard to the sale of the ancestral property. However, it is alleged that without the consent of the defacto complainant, the petitioner along with her husband/A1, swindled the property, and sold the same in favour of third parties. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is the active councillor in ward 124 and her husband A1 was arrested and released on bail vide order dated 25.11.2022 in Crl.M.P.No.5411 of 2022 by the learned Principal Sessions Judge, Chengalpattu. Further he submitted that the petitioner married her husband / A1, three months prior to the alleged sale transaction, hence she was not



aware of the said sale. Moreover, the said sale was effected in the year 2005 itself and a share was given to the defacto complainant also, however, after a lapse of 17 years, the defacto complainant has made the present complaint against the petitioner is not sustained. Moreover, the petitioner, without prejudice to his rights and contentions is ready and willing to deposit some amount to the credit of Cr.No.325 of 2022 as directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent submits that the petitioner along with her husband sold the ancestral property without the consent of the defacto complainant in the year 2005 itself, thereby cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervenor submits that petitioner is an active ward councillor and she is well aware of the alleged sale. Though the matter was referred to mediation, the said dispute was not settled between the parties. Hence, he opposed to grant anticipatory bail to the petitioner.



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6. On a perusal of the records it reveals that the alleged sale was effected in the year 2005. Admittedly, the defacto complainant is a co-sharer of the alleged property, hence, she has to workout her remedy in the manner known to law. Taking into consideration facts and circumstances of the case and also the fact that the petitioner has voluntarily come forward to deposit some amount to the credit of Cr.No.325 of 2022 and there is no possibility of tampering the evidence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is directed 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 II, Chengalpattu** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (one of which shall be a blood related surety) 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:

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(a) the petitioner shall deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) to the credit of **Crime Number 325 of 2022** within a period of two weeks from the date of receipt of a copy of this order before the concerned Magistrate. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the amount of Rs.7,00,000/- was deposited by the petitioner to the credit of **Crime Number 325 of 2022** within a period of two weeks and the defacto complainant is permitted to withdraw the said deposit amount of Rs.7,00,000/- on proper identification and acknowledgment;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(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;

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(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 Kerala [(2005) AIR SCW 5560]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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