



Crl.O.P.No.23356 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners herein seek anticipatory bail in Crime No.32 of 2022 registered by the respondent Police for the offence under Sections 420, 465, 468, 470 r/w 34 IPC.

2. The learned counsel for the petitioners stated that, they have been falsely implicated as accused in this case. They have not committed any offence as alleged by the respondent police. Thus, he seeks bail to the petitioner.

3. The learned Government Advocate (Criminal side) states that, the defacto complainant, who is the brother of the A1/1st petitioner had stated that with respect to a land in property, 1st petitioner had created a settlement deed in favour of the 2nd petitioner by Document No.716 of 2013 dated 18.02.2014. It is stated that, property originally belongs to the father, who had purchased it in 1959 and subsequently he died. It is stated that, property should also be divided with the defacto complainant. But A1 had claimed that property devolved to him from his grandmother. Originally patta



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was also granted by Tahsildar, but it was subsequently cancelled on the complaint given by the defacto complainant. A1 filed a Appeal before the RDO and that was also cancelled. Inspite of this, A1 also settled the property in favour of A2. Thus, he prays for dismissal of this petition.

4. In view of the facts, it is seen that A1 is the one who swindled the property away from the defacto complainant and taking into consideration that 2nd petitioner/A2 had also filed a Suit in O.S.No.28 of 2022 pending before the learned District Munsif-cum-Judicial Magistrate, Cheyyur, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions. This petition is dismissed as against the 1st petitioner.

5. Accordingly, the 2nd 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 Court-II, Chengalpattu**, on condition that the 2nd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of



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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 2nd 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 2nd petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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 absconds, a fresh
FIR can be registered under Section 229A IPC;

11.10.2023

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