



Crl.O.P.No.27170 of 2023

WEB COPY

Crl.O.P.No.27170 of 2023

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406,420,468,471,120(b) of IPC r/w.Section 34 of IPC in Crime No.18 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that, the property belongs to one Alavandar Nayakar Charity/Trust, under the control of Hindu Religious and Charitable Endowments Department, Government of TamilNadu. Further, originally the property belongs to one, Alavandar Naicker executed a WILL to Muthukrishnan Naicker. Thereafter, the said Alavandar Naicker died on 09.08.2014. Further, A-12 claimed that on 13.11.1995, the said Muthukrishnan Naicker executed a WILL bearing Registration Document No.134 of 1995 at Sub-Registrar's Office, T.Nagar. Chennai. Thereafter, the said Muthukrishnan Naicker died on 21.03.1997. Based upon the said WILL, A-12 K.M.Samy had executed a



CrI.O.P.No.27170 of 2023

WEB COPY

General Power of Attorney to A-3 Seetharaman vide Document No.1049/2006 dated 21.05.2006. Thereafter, the said A3 executed a sale agreement to one Kumaran (A6). Further, the said A3 Seetharaman executed unregistered sale agreement with the mother-in-law of the defacto-complainant. The petitioner along with family members had received a sum of Rs.1,63,00,000/- from the defacto-complainant and created a bogus document in order to grab the property belonging to one Alavandar Naicker and cheated the defacto-complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has no way connected with the alleged offence. He would further submit that on the confession statement given by the co-accused, the petitioner has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) submits that this



Crl.O.P.No.27170 of 2023

WEB COPY

is the fourth anticipatory bail petition filed by the petitioner. He further submitted that earlier this court had dismissed the anticipatory bail petitions filed by the petitioner in Crl.O.P.Nos.6355 of 2023, Crl.O.P.No.12771 & 12774 of 2022 and Crl.O.P.Nos.32660 & 32661 of 2022 dated 23.08.2023, 17.06.2022 and 09.01.2023 respectively. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen from the records, the entire investigation has completed and the respondent police filed a final report and the same was taken cognizance in C.C.No.537 of 2023 on the file of the Chief Judicial Magistrate, Puducherry. Even then the respondent police failed to secure the petitioner.

6. Taking into consideration of the above facts, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.



Crl.O.P.No.27170 of 2023

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Chief Judicial Magistrate, Puducherry** on condition that the 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 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks. Thereafter, she shall appear before the Trial Court daily at 10.30a.m., for the period of another two weeks and thereafter, as and when required for trial.



WEB COPY



Crl.O.P.No.27170 of 2023

[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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

20.12.2023

gvn



WEB COPY



CrI.O.P.No.27170 of 2023

G.K.ILANTHIRAIYAN, J.

gvn

CrI.O.P.No.27170 of 2023

20.12.2023