

Crl.O.P.No.31169 of 2022

**T.V.THAMILSELVI, J.**

The petitioners who apprehend arrest for the alleged offences under Sections 406, 420, 465, 468 and 471 of IPC in Cr.No.44 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have sold the property to the defacto complainant by creating fake documents and as impersonating the original owner. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.1,00,000/- (Rupees One Lakh only) each** to the credit of the **Crime No.44 of 2022**. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the



petitioners had cheated the defacto complainant by way of creating fake documents and impersonating the owner of the property. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the petitioners are ready and willing to deposit a sum of Rs.1,00,000/- (each) to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) each** to the credit of **Crime No.44 of 2022**, before 10.02.2023 and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the ***Judicial Magistrate No.I, Poonamallee*** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (one surety must 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) each of the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Cr.No.44 of 2022 before the Hon'ble Judicial Magistrate – I, Poonamallee on or before 10.02.2023.**

[b] 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.

**[c] the petitioners are directed to appear before the respondent police on daily at 10.30 a.m., and 05.30 p.m., for a period of two months and thereafter, as and when required for interrogation.**

[d] the petitioner should cooperate for the RDO enquiry, if any in future.

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

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

[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

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petitioners 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]**.

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

**02.02.2023**

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**Note : Office to issue order copy on 06.02.2023**

To

The Judicial Magistrate No.I,  
Poonamallee

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