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Crl.O.P.No.25675 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A5 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 420 of IPC in Crime No.509 of 2023, seeks anticipatory bail.

2.This petitioner stand on the same footing as A7. This Court had examined the bail petition of A7 in Crl.O.P.No.27250 of 2023 by an order dated 30.11.2023 and had granted bail.

3.The case of the prosecution is that the petitioner is one among seven children of N.Venu. He apparently had sold the property, which is in question and which is situated at Pinji Village in Ranipet District in Survey No.3/9, New Survey No.3/9A to one M.G.Velu. They had thereafter sold the property to one Asathullah. This effectively meant



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that the property had moved away from the ownership of the family but the children apparently were not either satisfied with their share of consideration paid to them or did not approve of that particular sale by their father. They thereafter entered into a partition deed by including that particular also as one of the properties which could be partitioned and that property devolved on to A6, the brother of the petitioner herein. A6 then appointed the defacto complainant as Power of Attorney agent to deal with the property. The said Power of Attorney agent had paid consideration of value of the property to an extent of about Rs.22/- lakhs. Thereafter, finding that the property had actually been conveyed and under the Power of Attorney, and she can never deal with the property, she had lodged the complaint which led to registration of FIR in the aforementioned provisions.

4.The learned counsel for the petitioner stated that to express bonafide, out of Rs.22/- lakhs paid to the Power of Attorney around a sum of Rs.14/- lakhs had been returned back to the defacto complainant and a balance of Rs.7/- lakhs is to be paid to her.



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5.Taking into consideration all these facts and since the issue is now repayment of the money and the property still stands in the name of the said Asathullah, and the title has not been changed and possession is also with him, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the 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 District Munsif cum Judicial Magistrate, Ranipet, 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:



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[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 report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall deposit a sum of Rs.1/- lakh to the credit of the Crime No.509 of 2023 before the District Munsif cum Judicial Magistrate, Ranipet. On receipt of such deposit, the learned District Munsif cum Judicial Magistrate may retain the said amount of Rs.1/- lakh in a interest bearing Fixed Deposit in a Nationalized Bank and on conclusion of trial, if the petitioner is convicted, then hand over a sum of Rs.50,000/- together with accrued interest to the defacto complainant and return back another sum of Rs.50,000/- without any interest to the petitioner herein, since it is stated that the share of the petitioner had already been paid to the defacto complainant. If the petitioner is acquitted, then the entire amount in the Fixed Deposit together with accrued interest may be returned back to the petitioner herein.



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[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.

[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]**.

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

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