



Crl.O.P.No.27230 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A3, who apprehends arrest for the alleged offences punishable under Sections 465, 467, 468, 471, 420 and 120 (B) IPC, in Crime No.7 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is stated that a property had been settled by the defacto complainant in favour of her daughter Mohanapriya. Subsequently, it is stated that she had given power to her own husband and her brother. Taking advantage of that particular fact, sale deed had been executed and on the same date, petitioner herein had been given a power of attorney to deal with the property.

3. The learned counsel for the petitioner states that A1 had been arrested and released on bail by the learned Judicial Magistrate-I, Tambaram, by an order dated 03.08.2023, in Crl.M.P.No.994 of 2023. Thus, he prays for anticipatory bail for the petitioner.

4. However, it is the case of the prosecution that it is the petitioner alone, who had created all the documents and one of the document is of the year 1968 and in that, it had been mentioned that the property is in Tiruvallur. But the said District was not formulated or established in that



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particular year. It is stated by the respondent that on directions, during the course of investigation, the Deputy Registrar had cancelled the power of attorney granted in favour of the petitioner herein and according to the learned counsel for the petitioner, the sale deed executed between the first and second accused had also been cancelled. In fact, the status ante had been resorted. Thus, he prayed for dismissal of this petition.

5. In view of all these facts and also the fact that A1 had been granted bail, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the learned Judicial Magistrate No.1, Tambaram, 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 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.



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[b] the petitioner shall report before the respondent police once in a week ie., every Monday at 10.30 a.m., for a period of three weeks and thereafter as and when required.

[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 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]**.

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

14.12.2023

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