



Crl.OP.No.784 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A1 in Crime No.254 of 2023 registered by the respondent police for the offences punishable under Sections 420, 467, 468 and 471 of IPC seeks anticipatory bail.

2. It is seen that the entire issue is with respect to claiming title and possession of a property at New Number.3 and Old No.2, West Vanniyar Street, Nesapakkam, Virugambakkam, Chennai 600 018. The defacto complainant is today in possession. He has not perfected his title, but, claims that he is an agreement holder having paid Rs.25,00,000/- in the year 2011.

3. It is further seen that the father of the owner of the property had died. The owner of the property, overlooking the agreement of sale had sold the property to A1. A suit seeking performance of the agreement is pending.

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4. In the meanwhile, the accused appears to have created a forged lease deed, wherein there were covenants that the defacto complainant is in arrears of rent and they had filed a Rent Control Original Petition. Placing a defence that lease deed produced is a fraudulent document, the tenant/defacto complainant resisted that particular petition. Findings was returned that the lease deed was forged. Thereafter, the present complaint came to be lodged and FIR had been registered.

5. Let the investigation proceed in the manner known to law and let all material evidence be brought to Court. It is stated that a forensic expert was also examined in the court to prove that the lease deed is a fraudulent document. But, one salient feature is that the defacto complainant continues to be in possession and he also claims that he has also the benefit of an order of injunction in the suit filed for specific performance. This would effectively mean that the defacto complainant is not put to any specific loss, since he continues to be in possession and there is no obligation to pay rent to any one, but, his occupation is on the



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strength of an agreement of sale which infact does not create any title right or charge over the property. Be that as it may, let investigation proceed.

6. Taking all those factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. 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 Metropolitan Magistrate-XXIII, Saidapet, Chennai* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 everyday at 10.30 a.m., until further orders

[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.

Vv

19.02.2024

C.V.KARTHIKEYAN,J.



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