



Crl.O.P.No.1308 of 2024

Crl.O.P.No.1308 of 2024

WEB COPY

G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 419, 420, 464, 465, 468, 471 and 506(ii) of IPC in Crime No.165 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners were informed by the 1st accused that, he is the owner of the property to an extent of 1.37 Acres in Survey No.28 a Varadharajapuram Village, Kundrathur Taluk, Kancheepuram District. On the basis of that representation, a Sale Agreement was entered with 1st accused namely Senthil. However, now petitioners are falsely implicated in this case. Petitioners had no intention of cheating the defacto complainant, they bonafidely entered into a Sale Agreement, only after petitioners met the defacto complainant and asked him, whether he was willing to sell the land, defacto complainant gave a complaint. If there was an intention on the part of the petitioners to cheat the defacto complainant, they would



Crl.O.P.No.1308 of 2024

WEB COPY

not have met the defacto complainant. In the said circumstances, this petition is filed to grant anticipatory bail to the petitioners.

3. The learned Government Advocate (Crl,. Side) opposes the petition on the ground that, petitioners are the men behind creation/fabrication of Power of Attorney Deed said to have been executed and subsequently selling he property. The investigation in this case is still pending. Therefore, he prays for dismissal of this petition.

4. This is the fourth anticipatory bail petitions filed by petitioners. The last of the earlier anticipatory bail petitions filed by the petitioners was dismissed on 20.09.2023. Since then, respondent police have not taken any sincere efforts to bring the investigation to a close. Petitioners are subsequent purchaser of the property and it is claimed that they have no role in the alleged impersonation and cheating by creation of the general power of attorney and other documents.



Crl.O.P.No.1308 of 2024

WEB COPY

5. In view of the fact that, respondent has not taken any effective steps for arresting the petitioners and to bring the investigation in this case to a close, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

4. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate Court No.II, Tambaram**, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 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.



Crl.O.P.No.1308 of 2024

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 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].

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

06.02.2024

sma



WEB COPY



Crl.O.P.No.1308 of 2024

G.CHANDRASEKHARAN. J.

sma

Crl.O.P.No.1308 of 2024

06.02.2024