



Crl.O.P.No.3278 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471 and 420 of IPC in Crime No.120 of 2022, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that one S.Ravi is the absolute owner of the flat bearing No.L1 (First Floor), Chetpet, Chennai in Survey Nos.321/18, 321/19 and 321/21 in Egmore Village. The said flat was originally purchased by A1 under 8 sale deeds dated 23.12.1989. While so, the said A1 has given a false complaint that the agreements were lost and hence she obtained a Non-Traceable Certificate on 12.10.2020. Based on this certificate, she settled the apartment in favour of A2 in Doc.No.2107 of 2020 on the file of Sub-Registrar, Periamet. Further, A2 settled in favour of one Tr.Mohamed Imran within two days after the execution of the sale deed in Doc.No.2120 of 2020. Thereafter, A1 and A2 revoked the settlement deed in Doc.No.2107 of 2020 dated 06.11.2021. For which, the defacto complainant stated that the accused persons in collusion



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with the Registration Department have committed fraud, cheating and forgery. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. He further submits that the petitioner, who is a witness to the settlement deed based on the fabricated settlement, and after the execution of the Doc.No.2107 of 2020, a sale deed was created. He further submits that already the alleged settlement deed as well as sale deed have already been cancelled as per the order of the District Registrar, based on which the co-accused was already released on bail. He further submits that he is ready to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned counsel for the intervenor raised objection stating that he is the main person who instigated the other accused to create the encumbrance certificate as well as the other fake documents. He further submits that the documents created by the accused concerned in respect of



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settlement deed as well as the sale deed was already cancelled. He further submits that the investigation is already completed and the other co-accused have released on bail. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally five accused in this case and the petitioner herein is arrayed as A5. He further submits that the co-accused have already released on bail and the investigation is still pending. Hence, he opposed for the grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 (15) days from the date of receipt of a copy of this order before the *learned II Metropolitan*



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Magistrate, Egmore, 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 and on further condition that:

(a) the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the **Tamilnadu Advocate Clerk Association, Chennai, Account No.484026006, IFSC.No.IDIB000M157, Indian Bank, High Court Branch**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] **the petitioner shall report before the respondent police on Wednesday and Saturday at 10.30 a.m, for a period of three months;**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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 has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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