



Crl.O.P.No.6701 of 2024

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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 r/w Section 34 of IPC in Crime No.8 of 2023 on the file of the respondent, seeks anticipatory bail.

2. The entire issue surrounds the property belonging to one Eshwara Pillai at S.No.1219/1, Plot No.102, Thanigachalam Nagar, Madhavaram Village. It is stated that the said Eshwara Pillai had three legal heirs and all of them were residing in USA. The defacto complainant is the father-in-law of one of the legal heirs and also Power of Attorney of all the three legal heirs. It is stated that taking advantage of the absence of the legal heirs, the accused had created a forged Death Certificate of Eshwara Pillai and a forged Legal Heirship Certificate of Eshwara Pillai and on the basis of those documents, had conveyed the property through A3 and later by a Power of Attorney through A1 to A2. It is stated that A4 and A6 had signed as witnesses to those documents.



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3. The learned counsel for the petitioner stated that the petitioner is innocent of all the offence and that he had not signed any of the documents as witness and that therefore the Court should consider the petition seeking anticipatory bail of the petitioner herein. It is also contended that he is working in Metropolitan Transport Corporation as Manager and it is stated that ever since the First Information Report came to be registered, the petitioner had been, in the words of the learned counsel, “roaming around” and could not go to office.

4. The earlier application seeking Anticipatory Bail was dismissed by this Court on 27.02.2024 in Crl. O.P.No.602 of 2024. The change in circumstance is that arrested co-accused had been granted bail.

5. Taking into consideration that fact and there has been substantial progress in the investigation, 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 Judicial Magistrate, (Special Court, land grabbing), Thiruvallur, on condition that the petitioner shall execute a bond for a



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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:

[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., 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]**.



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Gsa

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

25.04.2024

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