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Crl.O.P.No.5798 of 2024

T.V.THAMILSELVI, J.

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 120-B of IPC in Crime No.289 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that in collusion with some other persons, the petitioner is stated to have cheated the defacto complainant and got the sale deed executed in his favour in respect of the property of the defacto complainant and also sold the same to other persons. Hence, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the



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totally there are six accused and the petitioner is ranked as A4. He further submitted that the father of the defacto complainant has purchased the property in the year 1963. One Pudhiyavan purchased the property in the year 2007 from Hemakumar who is the power of attorney of the legal heirs of Jaganatha Mudaliar, by the fabricated documents. Subsequently, he executed a settlement deed in the year 2010 in his favour. The said Pudhiyavan executed the sale deed in favour of this petitioner and this petitioner has executed the said property in the name of Gopu in the year 2011 and thereafter Gopu sold the same to Mani in the year 2012. He further submitted that the power of attorney was executed in order to grab the property by the power holder Hemakumar who sold the property with fabrication of the records and they were in collusion to grab the said property. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case and that there is no previous case pending against the petitioner and he is ready to abide any condition imposed by this court, this Court is inclined to grant



anticipatory bail to the petitioner with certain conditions.

6. 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 Metropolitan Magistrate for CCB & CBCID Cases, Egmore, Chennai***, on condition that the petitioner shall execute a separate 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 conditions that:

[a] 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;

[b] **the petitioner shall report before the respondent police every Saturday for a period of three months and thereafter as and when required for interrogation;**

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[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 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;

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

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08.04.2024

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