



WEB COPY



Crl.O.P.No.10813 of 2024

Crl.O.P.No.10813 of 2024
and MP.No.10808 of 2024

P.DHANABAL,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471 & 420 of IPC, in Crime No.201 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband and other petitioners are legal heirs of one Veerapathiran, having property situated at No.11, Mannar Street, Parktown, Chennai, to an extent of 624 sq. feet. Further, after the demise of Veerapathiran, they are the absolute owners of the property. On 11.04.2020, the defacto complainant's husband died leaving behind his wife and his children. It is further alleged that the petitioner along with other accused persons were created forged revenue records and entered into the partition deed without giving any share to the defacto complainant and her son. They sold the said property through Document No.534 of 2023, Sub Registrar Office, Sowcarpet, Chennai to the accused A4, the petitioner herein. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second anticipatory bail petition filed by the petitioner. He further



Crl.O.P.No.10813 of 2024

submit that he is an innocent purchaser without knowledge about the existence of the legal heirs of the deceased husband of the defacto complainant. He further submitted that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that he is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned counsel for the intervenor raised objection stating that the petitioner is a neighbour and had known about the family circumstances of not only A1 to A3 but also the defacto complainant and therefore disputed the contention that A4 is an innocent purchaser.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that A1 to A3 are close relative to the husband of the defacto complainant. He further submit that during the course of investigation it was revealed that the legal heirship certificate obtained and relied as a document for sale of the property to A4 was a forged document, and thereby the petitioner herein is not an innocent purchaser. He further submitted that A2 and A3 were released on bail and A1 is still absconding. He further submitted



CrI.O.P.No.10813 of 2024

that the investigation was also completed. However, he strongly opposed for the grant of anticipatory bail to the petitioner.

6. Heard both side and perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side, and considering the fact that the co-accused was also released on bail and the petitioner is the subsequent purchaser of the property and the investigation was also completed and also considering all other factors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 VII Metropolitan Magistrate, George Town, Chennai on condition that the petitioner shall execute a 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 learned Magistrate concerned and on further condition that:

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



CrI.O.P.No.10813 of 2024

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

12.08.2024

drl



WEB COPY



Crl.O.P.No.10813 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.10813 of 2024

12.08.2024