



Crl.O.P.No.14899 of 2024

Crl.O.P.No.14899 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks anticipatory bail in Crime No.1 of 2023 registered by the respondent Police for the offences punishable under Sections 464, 468, 471 and 34 of IPC.

2. The learned counsel for the petitioner stated that the petitioner is working under the first accused and the first accused had taken advantage of that particular situation and had executed the power of attorney of a particular property in favour of the petitioner herein.

3. The learned counsel for the petitioner also stated that the petitioner is not aware of any details and had not acted on the power of attorney and actually not even seen the power of attorney and he also stated that the petitioner is innocent of all the offences.

4. It is the case of the prosecution that substantial property at Perur Village in Tiruporur, Chengalpattu District spreading over six separate survey numbers, totally measuring 75 cents, originally stood in the name of one



Ranjana Sethi. She was in Bombay.

WEB COPY

5. Taking advantage of her absence, she was declared dead in the year 1996 and after declaring her dead, procuring a fake death certificate, the accused also obtained legal heir certificate declaring themselves as legal heirs of the dead person who was actually alive and executed a power of attorney in favour of the petitioner.

6. The earlier application seeking anticipatory bail was dismissed on 05.01.2024. Further, it has been stated now that as a matter of fact, the District Registrar had cancelled the said power of attorney by an order dated 23.05.2023 and thereafter, Ranjana Sethi, had sold the property on 28.06.2023 to one Vasanthi. The prosecution will now have to establish the case beyond reasonable doubt. They will have to verify the creation of the documents, particularly the power of attorney and creation of death certificate and legal heir certificate. But, however, taking into consideration the fact that the earlier application seeking anticipatory bail was dismissed on 05.01.2024 and till this date, the respondent has not taken the petitioner into custody, anticipatory bail is granted 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Chengalpattu, Kancheepuram District, Tamil Nadu, 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 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 **everyday at 10.30 a.m., until further orders.***

[c] If the petitioner does not cooperate during the course of investigation, the respondent is at liberty to take action for cancellation of the anticipatory bail.

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



WEB COPY



Crl.O.P.No.14899 of 2024

C.V.KARTHIKEYAN,J.

Gsa

[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 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]**.*

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

31.07.2024

gsa

Crl.O.P.No.14899 of 2024