Crl.O.P.No.12957 of 2024

T.V.THAMIILSELVI, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 467, 468, 471, 448 and 120B of Indian Penal Code, 1860 in Crime No.87 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners submitted that the petitioners are brothers and that the petitioners are an innocent persons and they have not committed any such offence as alleged by the prosecution. He further submits that they have been falsely implicated in this case, as if, they grabbed the property under the guise of power of attorney said to be executed by the defacto complainant in favour of the first petitioner. Based on that, the first petitioner conveyed the property to his brother second petitioner, thereby, they have cheated the defacto complainant to the tune of Rs.60 lakhs. He also submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

3. The learned counsel for the intervenor raised strong objection stating

that the defacto complainant was settled in Germany and that he wants to sell his property, he sent all the original documents of the property to one of his friend Ruthran, who is A1. Thereafter, A1 created forged and fabricated documents and executed a sale deed in favour of his brother (A2) and also falsely created Life Certificate and obtained loan to the tune of Rs.60 lakhs, by mortgaging the said property.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that before conveying the property, when the defacto complainant settled in Germany, in order to sell the property belonging to him, he has sent the original documents of the property to one of his friend Ruthran/A1, who in turn created fake power of attorney and transferred the property to A2, who is the brother of A1 and now only, the defacto complainant came to know about the said encumbrance. Moreover, fake Life Certificate was also created by them thereby, they have cheated an amount of Rs.60 lakhs.

5. Heard the learned counsel for the petitioners and the learned

Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration that the defacto complainant was cheated to the tune of Rs.60 lakhs and that the petitioners have come forward to deposit substantial amount before the Court and also the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Special Judge, Special Court for CCB & CBCID, Egmore,** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each **(One of the surety must be a blood related one)** 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 petitioners shall deposit totally a sum of Rs.30,00,000/- [Rupees Thirty Lakhs only] to the credit of Crime No.87 of 2024, within a period of

three weeks from the date of receipt of a copy of this order and the said receipt shall be produced before the Court below and on such deposit, the original owner of the property is permitted to withdraw the same on filing of affidavit and proper identification and authorization;

[b] the petitioner shall file an undertaking affidavit before the Trial Court that they will not to make any further encumbrance over the subject property;

[c] the petitioners 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;

[d] the petitioners shall report before the respondent police on every Wednesday and Sunday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] on breach of any of the aforesaid conditions,

the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions has been imposed and the petitioners is released on anticipatory 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;

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

24.06.2024

ssi

T.V.THAMIILSELVI, J.,

ssi

Crl.O.P.No.12957 of 2024

24.06.2024