



Crl.O.P.No.14417 of 2024

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T.V.THAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 466, 468, 471, 419, 420, 120(B), 109, 472 and 473 of IPC in Crime No.2 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case, as if, he created fake documents in respect of the properties belonging to the defacto complainant. This is the second anticipatory bail application before this Court and the earlier anticipatory bail application was allowed in his favour however, due to ligament tear caused in the petitioner's leg and treatment taken at Puthur, he could not able to comply with the condition hence, the earlier anticipatory bail order was expired. Hence, he prays to grant anticipatory bail to the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the power of Attorney stands in the



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name of the petitioner is a forged one and that the original owner is in USA.

The defacto complainant is the brother of the original owner and no such power of deed was executed in favour of the petitioner. This is the second anticipatory bail application and the earlier anticipatory bail application was allowed but he did not comply with the conditions.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate Court No.II, Chengalpattu**, on condition that the petitioner shall execute a 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



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police officer who intends to arrest or to the satisfaction of the learned

Magistrate concerned and on further condition that:

[a] the petitioner shall file an affidavit before the Trial Court that not to use the power of attorney said to be given by the original owner of the property and also not to create any encumbrance over the property belonging to the defacto complainant which is the subject matter of this complaint and further, if any encumbrance is created, the anticipatory bail granted by this Court will be cancelled automatically;

[b] 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;

[c] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

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

[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 has been imposed and the petitioner 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)]*



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AIR SCW 5560/; and;

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

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