



Crl.O.P.No.14306 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 465, 468, 471, 420 IPC in Crime No.36 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the Power Agent one Jayakarthick, who sold flats using fake life certificate, without consent of Principal and the petitioner who runs Shalini Construction and he constructed the flats for power agent and he signed sale agreement as a witness and the defacto complainant came to know the fake Life Certificates and sold out the some of flats by A1 Jayakarthick. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been running construction business for the past 15 years and he has completed many projects so far in the construction field. In the year 2012 the defacto complainant approached the petitioner and introduced his power agent for construct 6 flats in A1 and the defacto complainant's property at Poonamallee, Tiruvallur District. Subsequently the power agent had obtained necessary permission from the concerned authorities for 6 flats and the petitioner



started construction on the said property and he had constructed four flats and three flats are completed and one flat still pending and huge amount was pending for construction house, and he has nothing to with the alleged offence. He is a law abiding citizen, hailing from a respectable family and he will not abscond. He is ready to abide by any condition that may be imposed on him by this Court for his appearance and cooperation in the investigation to be conducted by the respondent police. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that the A1 was arrested in this case. He is also one of the witness in the life certificate. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, the petitioner is directed 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 No.1, at Poonamallee, Thiruvallur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom one surety should be a blood surety, each for a like sum to the satisfaction of the respondent/police or the police officer, who intends to arrest the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two months;

(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



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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 Judge 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.

26.06.2024

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