



Crl.O.P.No.16419 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 120-B, 419, 465, 468, 467, 471 and 420 IPC in Crime No.43 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in the year 1990, the defacto complainant bought a vacant plot at Padi Puthagaram Village from her own income. When the defacto complainant applied to change the patta of the said plot to her name, she came to know that the patta was already changed to her name on 12.08.2020 and also some one has forged and registered the document dated on 02.11.2020 in the name of Elumalai (A4) and again patta has undergone the name change on 27.07.2021 in the name of A4. When the defacto complainant enquired about the transaction, she came to know that A1 along with A3 has created the fake and supporting document for her property. A1 along with other accused have arranged a person with her fake identity to complete the transaction. Hence the complaint.



Crl.O.P.No.16419 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is an Advocate and ex-service man has been falsely implicated in this case, as if, he grabbed the property of the defacto complainant and received a sum of Rs.7 lakhs as commission. He further submitted that he gave only Xerox copy of the document to A1 and except that, he has not committed any such offence as alleged by the prosecution i.e., alleged fabricating of records and sale transactions. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that totally there are 10 accused in this case and that the petitioner is ranked as A9. He further submitted that only based on the confession of A1, A6 to A10 have been falsely implicated in this case. He also submits that the petitioner assisted A1 to A3, identified the defacto complainant's land to grab and created a fake documents and appointed an impersonator and sold the land illegally for a sum of Rs.50 lakhs and obtaining his share of Rs.7.5 lakhs from A1. He further submitted that still enquiry is pending in this case, hence he raised strong objection.



Crl.O.P.No.16419 of 2024

WEB COPY

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, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties **[out of which, one surety must be a blood related one]**, 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 and on further condition that:



WEB COPY



Crl.O.P.No.16419 of 2024

[a] the petitioner shall deposit a sum of Rs.4,00,000/- [Rupees Four Lakhs only] to the credit of Crime No.43 of 2024, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[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 Saturday at 10.30 a.m., for a period of eight weeks 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) AIR SCW 5560]*; and;

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

19.07.2024

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Crl.O.P.No.16419 of 2024

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ssi

Crl.O.P.No.16419 of 2024

19.07.2024