



Crl.O.P.No.16589 of 2024

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WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Section 120B, 419, 465, 467, 468, 471, 420 and 109 of IPC of the Indian Penal Code, 1860 in Crime No.53 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband late Shek Abdul Khadar had purchased out a property in Survey No. 69, Plot No. 135 in Rani Nagar Extension at Avadi in the year 1985 vide Document No. 1523/1985 on 18.03.1985, after demise of defacto complainant's husband, she looks over the said property. On 20.02.2024 when the defacto complainant applied for encumbrance certificate to settle the property, it has come to light that the accused person have conspired together and impersonated her husband and registered a Power of attorney in favour of A2 and thereafter sold the property to A3, A4 and A5. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence



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as alleged by the prosecution. The petitioner has been falsely implicated in this case. The learned counsel for the petitioner submits that petitioner purchased out the property for an extent of 1000 sq.ft. out of total extent of 3000 sq.ft from A2, alleged to be the Power Agent of Late Mr.Shek Abdul Khader for a sale consideration of Rs.3,35,000/- vide document No. 6870 of 2022 at Avadi SRO dated 29.04.2022 after verifying the entire documents. In the interregnum, the petitioner's daughter's marriage was fixed and therefore for the marriage expenses, the petitioner had sold the property to A5 namely Krishnakumari vide Doc.No. 15129/2022 at Avadi SRO dated 15.09.2022. Since then the petitioner had no connections towards the subject property. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the defacto complainant's husband late Shek Abdul Khadar had purchased out a property in Survey No. 69, Plot No. 135 in Rani Nagar Extension at Avadi in the year 1985 vide Document No. 1523/1985 on 18.03.1985, after demise of defacto



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complainant's husband, she looks over the said property. On 20.02.2024 when the defacto complainant applied for encumbrance certificate to settle the property, it has come to light that the accused person have conspired together and impersonated her husband and registered a Power of attorney in favour of A2 and thereafter sold the property to A3, A4 and A5 and there is no previous case as against the petitioner and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and considering that there is no previous case pending against the petitioner, and he is the purchaser from the main accused, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate No. 1, Poonamalle*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 and on further condition that:

[a] the petitioner shall report **before the respondent police daily until further orders;**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[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



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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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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