



Crl. O.P. No.19360 of 2024

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P.DHANABAL.J.,

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 466, 468 and 471 of I.P.C. in Cr. No.210 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Raja and his son Srinivasa and their family members were in possession of the property to an extent of 3.94 cents, which was settled by the mother of the defacto complainant in favour of the defacto complainant and his family members through a gift deed. The general power deed was given to the petitioner/accused herein by the defacto complainant vide a General Power Deed registered at SRO, Tirupathur on 30.09.2015. While so, after the death of the defacto complainant's son namely Srinivasa on 14.03.2016, when the defacto complainant asked the petitioner/ accused to cancel the power of attorney executed by him and his family, it came to know that the petitioner, by obtaining Life Certificate of deceased son of the defacto complainant with a help of one Dr. Manoharan from Manjunatha Hospitals, sold the said property of the defacto complainant. Hence the case.



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3. The learned counsel appearing for the petitioner would contend that the alleged power deed was executed by the defacto complainant and his family members on 30.09.2015 and the same was cancelled. The petitioner was not indulged in any crime as alleged by the defacto complainant. But the present false case has been registered against the petitioner on 16.05.2024. The petitioner is arrayed as A1. He has not committed any offence as alleged by the respondent police. The petitioner is ready to abide by any condition imposed by this Court. Hence the petitioner may be granted anticipatory bail.

4. The learned Government Advocate (Criminal side) would contend that the petitioner is the power agent of the property, which is in the possession of the defacto complainant and his family members, as per the registered general power deed dated 30.09.2015. After the death of the defacto complainant's son namely Srinivasa, when the defacto complainant asked the petitioner to cancel the power of attorney executed to him by the defacto complainant, it came to know that the petitioner by obtaining a life certificate of the deceased son, sold the property. The petitioner is A1 and the co-accused is A2, to whom the property was sold by A1. The anticipatory bail application moved by A2 is pending before the lower Court. Investigation is still pending in this case. Hence he objected to



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grant anticipatory bail to the petitioner.

WEB COPY 5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions put forth on either side, considering the fact that there is no previous case against the petitioner, that the so-called sale deed has been cancelled at a later point and considering the date of occurrence which took place in the year 2015, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Tirupattur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders and thereafter, as and when



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required for interrogation;

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

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

[d] 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 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 v. State of Kerala [(2005) AIR SCW 5560]***.

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S.

16.08.2024.

mjs

To



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1. The Judicial Magistrate No,I, Tirupattur.
2. The Inspector of Police, Tirupattur Town Police Station, Tirupattur.
3. The Public Prosecutor, High Court, Madras-600 104.

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