



Crl. O.P. No.19399 of 2024

Crl. O.P. No.19399 of 2024

P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offence under Sections 406, 419, 420, 465, 467, 468, 471 and 120(B) of IPC in Cr. No.21 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 purchased a plot in Korattur from one Elumalai Naicker and Dhanasekar. Thereafter, the defacto complainant's husband died in the year 2013. After the death of her husband, the defacto complainant was unable to visit the land and after a long period, on 17.09.2019, when she visited her land, she found some unknown persons encroached the land and informed that they purchased the land from the owner. When the defacto complainant applied for encumbrance certificate, she found as if the defacto complainant had executed power of attorney in favour of A2 by name Padmanaban. Thereafter, A2 sold the property to A3 to A6 vide Doc. Nos.5766 of 2018, 5768 of 2018 and 800 of 2019 dated 29.10.2018. Thereafter, A6 sold the land to A7 vide Doc. No.1394 of 2021 dated 03.03.2021. Therefore, the defacto complainant preferred a complaint before the respondent police. Hence the case.

3.The learned counsel for the petitioner would contend that the



Crl. O.P. No.19399 of 2024

petitioner has been falsely implicated in this case and he is only a land broker and mediator, that the petitioner is not a named accused in the FIR, that he never accompanied with A2 and other accused, that A2 was arrested and enlarged on bail, that the petitioner has not committed any offence as alleged in the FIR. Therefore he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused persons have committed criminal conspiracy and have created forged documents and sold the property belonging to the defacto complainant, by impersonating A2 as one Padmanabhan. This petitioner has only introduced A2 as Padmanabhan and sold the property to A3 to A6. The role of the petitioner is very vital in the commission of offences. Hence, he opposed to grant anticipatory bail to the petitioner. Further he submits that there is no previous case against this petitioner.

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

6.Considering the rival submissions on either side and considering the fact that the petitioner is only a mediator, that the co-accused were released on interim bail by this Court on condition and considering the fact



Crl. O.P. No.19399 of 2024

that no previous case is pending against the petitioner, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Ambattur** on condition that the petitioners shall each 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 condition that:

[a] the petitioner shall report before the respondent police on daily at 10.30 a.m. 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 to 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.



Crl. O.P. No.19399 of 2024

WEB COPY

[e] 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 vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

22.08.2024

mjs

To

- 1.The Judicial Magistrate, Ambattur
2. The Inspector of Police, Central Crime Branch, Avadi.
3. The Public Prosecutor, High Court, Madras.



WEB COPY



CrI. O.P. No.19399 of 2024

P.DHANABAL,J

mjs

CRL O.P. No.19399 of 2024

22.08.2024