



Crl.O.P.No.20184 of 2024

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

The petitioner apprehends arrest for the alleged offences under Sections 120B, 468, 471 and 109 of I.P.C in Crime No.1 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint by stating that he and his wife purchased the property in the year 2004 and thereafter they executed Registered General Power of Attorney in favour of one Hariprasath and further alleged that the said Hariprasath/A1 sold the property to the petitioner by using Life Certificate of the defacto complainant. The main allegations is that the Doctor/A3 issued a Life certificate without physical verification of the defacto complainant and his wife. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person. He further submits that the petitioner is a bonafide purchaser for valuable consideration, the petitioner is not aware of the disputes pending between the defacto complainant and Hariprasath.



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It is further submitted that subsequent to the sale deed, revenue records changed in the name of the petitioner, tax receipt also changed in the name of the petitioner and he has not committed any such offence as alleged by the prosecution. 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 counsel appearing for the intervenor submits that the Hariprasath/A1 sold the property to the petitioner by using forged Life Certificate of the defacto complainant.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that defacto complainant and his wife purchased the property in the year 2004 and thereafter they executed Registered General Power of Attorney in favour of one Hariprasath. The said Hariprasath/A1 sold the property to the petitioner by using forged Life Certificate of the defacto complainant and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

6. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and considering the dispute between the parties in respect of property and that



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there is no previous case pending as against the petitioner, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

7. 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. 2, Erode*** 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 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 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 of the Court or to any police officer.

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



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[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 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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