



Crl. O.P. No.20348 of 2024

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P. DHANABAL.J.,

The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 120-B, 419, 465, 468, 467, 471 and 420 of IPC in connection with the Cr. No.43 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased a vacant plot of 2580 square feet at Padi Puthugaram Village vide Doc. No.4601 of 1990 from Murugesan, Jayaraj and Bakym for Rs.21,500/- on 07.05.1990 and when she applied to change the patta, she came to know that patta was already changed on 12.08.2020 vide Patta No.12840 and also the property was registered vide Doc.no.12061 of 2020 dated 02.11.2020 through fabricated and fake documents made by Geetha and Jayapal at Sub Registrar Office, Ambattur in the name of K. Elumalai and they have also impersonated a person with fake identity to complete the transaction. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the



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respondent police, that all the transactions are between the 1st accused and the defacto complainant and this petitioner is noway connected with the commission of the offences, that he is not a named accused in the FIR, that there is no overt act attributed against the petitioner, that based on the confession statement of A1, this petitioner has been arrayed as an accused in this case, that the co-accused was granted anticipatory bail, that the petitioner is an innocent and he is ready to abide by any condition imposed by this Court and hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the accused have colluded with each other with dishonest intention, impersonated and created fake documents with respect to the property belonging to the defacto complainant, which was purchased by her on on 07.05.1990 and when the defacto complainant applied to change the patta, she came to know that patta was already changed on 12.08.2020 vide Patta No.12840 and also the property was registered vide Doc.no.12061 of 2020 dated 02.11.2020 using the forged documents created by the accused and therefore, this case was registered against 5 accused. Hence he objected to grant anticipatory



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bail to the petitioner. Further he submitted that there is no previous case

pending against the petitioner.

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

6. Considering the arguments put forth on either side, considering the fact that already the co-accused were arrested and released on bail and that even as per the FIR, this petitioner is not a named accused and 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 No.I, Poonamallee** 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 condition that:

[a] the petitioner shall report before the respondent police on



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everyday at 10.00 a.m. until further orders.

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[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 them 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.

[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.

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To

1.The **Judicial Magistrate No.I, Poonamallee**

2.The Inspector of Police, Avadi CCB Police Station, Avadi City CCB,
Chennai.

3.The Public Prosecutor, High Court, Madras.

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