



Crl.O.P.No.20797 of 2024

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

The petitioners apprehend arrest for the alleged offences under Section 406, 420, 465, 467, 468, 471 & 34 of I.P.C in Crime No.78 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property comprised in S.No. 757/1, T.S.No. 68/3, Korattur Village, Ambattur Taluk, Thiruvallur District to an extent of 2754 Sq.ft. of land. The defacto complainant said to have entered into a joint venture agreement with the 1<sup>st</sup> petitioner and executed a Power of Attorney in favour of the 1<sup>st</sup> petitioner to deal with the above said property. The 1<sup>st</sup> petitioner who undertook to construct the house with the 2<sup>nd</sup> petitioner construction company alienated the undivided share in the land to three different purchasers who were arrayed as A3 to A5 by manipulating the life certificate of the defacto complainant. The petitioners 1 and 2 failed to put up any construction as agreed and sold the property to the tune of Rs. 1,50,00,000/-. During May 2023, the petitioners said to have agreed to refund the sum of Rs.85,00,000/- and they failed to honor the same. Hence, the complaint.



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3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that defacto complainant is the owner of the property in Thiruvallur District to an extent of 2754 Sq.ft. of land. By manipulating the life certificate of the defacto complainant, the first and second petitioners have sold the property of the defacto complainant to the tune of Rs. 1,50,00,000/-. During May 2023, the petitioners agreed to refund the sum of Rs. 85,00,000/- and they failed to do the same and he further submitted that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. The learned counsel appearing for the intervener opposed to grant anticipatory bail to the petitioners by stating that by manipulating the life



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certificate of the defacto complainant, the 1<sup>st</sup> and 2<sup>nd</sup> petitioners have sold the property of the defacto complainant to the tune of Rs. 1,50,00,000/-.

Further during May 2023, the petitioners have agreed to refund the sum of Rs. 85,00,000/- and they failed to do the same.

6. Considering the representations made by both sides and considering the nature of offences charged against the petitioners and also considering the fact that there is a business transactions between the parties based on the agreement in respect of construction of the building and there is no previous cases is pending as against the petitioners, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

7. Accordingly, the petitioners are 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. I, Poonamallee*** on condition that the petitioners 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



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satisfaction of the learned Magistrate concerned and on further condition

that:

[a] the petitioners shall report **before the respondent police on everyday at 10.00 a.m, until further orders.**

[b] the petitioners 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 petitioners shall not leave India without the previous permission of the Court.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down



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by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala*  
[(2005)AIR SCW 5560].

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

20.09.2024

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