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Crl.O.P.No.24465 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offence punishable under Section 465, 468, 471, 420 read with 34 IPC. in Crime No.9 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Anbumani is that he had approached the 1st accused Chandrasekaran to ask whether there was any buyers to purchase his land measuring 0.27½ cents situated in Senthamangalam Village. The 1st accused had induced the defacto complainant stating that he would arrange to plot out the said property and develop the same and so that, the property could be sold for more profit and also obtained power of attorney in his favour and entered into unregistered sale agreement. Though the petitioner had agreed to pay Rs.60 lakhs, he had paid only Rs.10 lakhs to the defacto complainant. The power of attorney was executed on 08.05.2023. Since the 1st accused was unable to conclude the sale, the defacto complainant had intended to cancel the power of attorney. While so, he came to know that



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the 1st accused by using forged life certificate of the defacto complainant, sold the property to his wife/the petitioner herein. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a house wife and she is an innocent. The petitioner understands that the property was originally owned by her husband Chandrasekaran and subsequently, the property was purchased by the defacto complainant and thereafter, the defacto complainant was not inclined to hold the property and hence, he offered to sell the property and also executed power of attorney in favour of her husband. Thereafter, based on the power of attorney, her husband conveyed the property in the name of the petitioner by way of registered sale deed. He further submitted that the petitioner has not committed any offence and she had believed the power of attorney and the life certificate obtained by her husband. He also submitted that the petitioner undertakes that she would not further encumber the property or convey the property to any other person and she is ready to deposit the original sale deed before the concerned Court. He further submitted that the case of the prosecution is



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borne out by records and registered documents and therefore, there is no possibility of tampering the evidence or interfering with the investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner is the wife of A1. The husband of the defacto complainant namely A1, had agreed to pay Rs.60 lakhs and therefore, the defacto complainant had given power of attorney to the husband of the petitioner in the year 2023, whereas, the husband of the petitioner had paid only Rs.10 lakhs and thereafter, without paying the balance amount, by using the forged life certificate, he conveyed the property in favour of the petitioner. He further submitted that the husband of the petitioner has been arrested and he is still in custody and the investigation is pending.

5. The learned counsel appearing for the intervenor submitted that the petitioner's husband had induced the defacto complainant under the guise of developing his property and obtained power of attorney in his favour agreeing to pay Rs.60 lakhs, however, he paid only Rs.10



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lakhs. Thereafter, without paying the balance amount of Rs.50 lakhs and without the knowledge of the defacto complainant, he conveyed the property in favour of his wife by using forged life certificate. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Advocate (Crl. Side) appearing for the respondent police and also perused the materials available on record including the FIR.

7. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking into consideration of the undertaking given by the petitioner that she is ready to deposit the original sale deed before the Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.1, Kancheepuram**, on condition that the



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petitioner shall execute a bond for a sum of **Rs.15,000/- (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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] The petitioner shall deposit the original title deed of the said property to the credit of Crime No.9 of 2024 (also file an affidavit of undertaking that she would not encumber the property or convey the property to anyone) within a period of fifteen days from the date on which the order copy made ready.

[c] the petitioner shall report before the respondent police as and when required for interrogation.



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[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 accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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