



Crl.O.P. No.24476 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 120(b), 419, 465, 467, 468, 471, 420 of IPC in Crime No.43 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto-complainant bought a vacant plot and he applied to change the patta of the said property in his name, at that time, he came to know that the patta was already changed and was subsequently forged and registered in the name of 4th accused. The 1st and 3rd accused have created a fake and supporting documents for his property and changed the patta and willfully forged the defacto-complainant. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. There is no previous case as against this petitioner. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner and other accused persons were colluded together and illegally obtained for the defacto-complainant's property and they forged the defacto-complainant. In this case, already the co-accused were arrested and subsequently released on bail. Based on the confession of statement of co-accused, this petitioner was arrayed as accused in this case. There is no previous case as against this petitioner. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence and already the co-accused was arrested and subsequently released on bail, based on the confession statement of co-accused this petitioner was arrayed as accused, there is no previous case is pending against the petitioner and also considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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[a] the petitioner shall report before the respondent police daily at 10.00a.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 or tamper with the evidence.

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

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



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[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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