



CRL OP. 27601 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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S.LIYAKATH ALIKHAN
S/O.SAHIBJOHN, P.NO.22, AUDCO AVENUE,
KONERIKUPPAM, KANCHEEPURAM, CHENNAI-
631 502.

PETITIONER

VS

THE STATE BY
THE INSPECTOR OF POLICE, AVADI-CCB, AVADI.
CR.NO.89/2024.

RESPONDENT

For Petitioner:

MR. A RAJA PANDIAN

For Respondent:

MR. S. SANTHOSH, ADVOCATE (CRL. SIDE)

ORDER



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WEB COPY Apprehending arrest in connection with Crime No.89 of 2024 registered for the offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120B of IPC and Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioner, by impersonation and fabrication of documents, grabbed the property belonged to the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent purchaser of the property. He had believed the other accused and purchased the property by paying a consideration of Rs.50,00,000/-. Later, he came to know that he had been taken to ride by the other accused. The petitioner, in order to purchase the property, obtained a housing loan of Rs.37,46,000/- from Punjab National Bank. He would further submit that the petitioner has executed a release deed in



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favour of the defacto complainant/ original owner of the property and ready to cooperate with the respondent in investigation.

4. The learned Government Advocate would submit that the petitioner is the purchaser of the property. The other accused had, by impersonation and fabrication, sold the property to the petitioner.

5. The learned counsel appearing for the intervener submits that the petitioner has executed a release deed in favour of the defacto complainant.

6. Taking into consideration the facts and circumstances of the case and that the petitioner is only an innocent purchaser and he has also executed a release deed in favour of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned **Judicial Magistrate-I, Poonamallee**, on condition that the petitioner shall execute a bond for a sum



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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 said Sessions Judge, on further condition that:

[a] if the petitioner fails to surrender before the said Court within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

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

[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



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[(2005)AIR SCW 5560];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

11.12.2024

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To

1. THE INSPECTOR OF POLICE, AVADI-CCB,
AVADI. CR.NO.89/2024.

2. THE JUDICIAL MAGISTRATE-I, POONAMALLEE



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A.D.JAGADISH CHANDIRA, J.

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