



Crl.OP.No.26227 of 2023

Crl.O.P.No.26227 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner herein seeks anticipatory bail in Crime No.32 of 2022 registered by the respondent police for the offences punishable under Sections 420, 465, 468, 470 r/w 34 IPC.

2. The learned counsel for the petitioner stated that he had been falsely implicated as accused in this case. He has not committed any offence as alleged by the respondent police. Thus, he seeks anticipatory bail to the petitioner.

3. The learned Government Advocate (Crl.Side) stated that the defacto complainant is a stranger to the family of petitioner herein. However, he is the owner of large area of adjoining land. He had given a complaint that this petitioner had created a settlement deed in favour of the second accused which has been registered as Document No.716 of 2013 on 18.02.2014. It is stated that the property originally belonged to



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the father, who had purchased it in 1959 and subsequently he died. It is stated that, property should also be divided with the defacto complainant, but, A1 had claimed that property devolved to him from his grandmother. Originally, patta was also granted by Tahsildar, but, it was subsequently cancelled on the complaint given by the defacto complainant. A1 filed a appeal before the RDO and that was also cancelled.

4. The learned Government Advocate (Crl.Side) stated that on an earlier occasion, the petitioner had filed an anticipatory bail in Crl.OP.No.23356 of 2023 along with A2. By an order dated 11.10.2023 anticipatory bail was granted only for A2 and was dismissed for this petitioner. At that time, it was observed that the defacto complainant was the brother of this petitioner. It now transpires that as a fact it is not correct. He is only a adjoining land owner. He is not directly or indirectly connected with the family of the petitioner herein. It is also be seen that the patta has been cancelled.



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5. Taking all the surrounding factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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-II, Chengalpattu* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

[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 229A IPC.

03.01.2024

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