



Crl.O.P.No.28065 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471, 420, 34 of IPC in Crime No.281 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Asha is that, she got married to 1st accused Arul on 31.08.2006 and due to wedlock, she delivered a male child on 15.10.2007 and later, due to misunderstanding, defacto complainant obtained decree of divorce from the 1st accused on 15.11.2022 and she has also filed domestic violence complaint and maintenance petition. It is alleged that the accused had not paid any maintenance to the defacto complainant or to her son so far. While they were together, defacto complainant's father-in-law had settled a property in favour of her son and after the divorce, the accused based on the forged and fabricated documents, sold the property which was settled in favour of the minor son to the third party and thereby cheated the defacto complainant.



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3. The learned counsel for the petitioner would submit that, petitioner is an innocent person and due to misunderstanding, false complaint has been given by the defacto complainant, as if he had cheated her. He would submit that, due to misunderstanding, she had left the matrimonial home and she has obtained the ex-parte divorce on 15.11.2022 and the fact remains that, her father was the owner of the property and he had settled the property in favour of his mother on 11.09.2004 by a registered settlement deed 6280 of 2004 registered at the Office of the Sub Registrar, Tambaram, subsequently, petitioner's father died on 07.09.2011 and mother also died on 14.01.2015, thereafter petitioner along with his brothers who are the legal heirs had stole the property to the third party by registered sale deed on 03.05.2023 and thus, the defacto complainant has given false complaint as if the property was settled in favour of her son earlier and he would further submit that the entire case of the prosecution is borne out by documents and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that, petitioner along with his brothers, by fabrication of documents had sold the property which was settled in favour of the defacto complainant's son and cheated the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Mr.M.Sankar, learned counsel appearing for the defacto complainant/intervenor would vehemently opposed for grant of anticipatory bail to the petitioner stating that, petitioner is the erst while husband, he along with his brothers sold the property which was settled in favour of defacto complainant's son. He would submit that, petitioner also failed to give the maintenance and other settlement amounts and he is also refusing to maintain the defacto complainant and her minor son.

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



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7.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate I, Tambaram**, on condition that the petitioner shall execute a separate 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 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 everyday at 10.30.a.m. for a period of two weeks and thereafter, every Saturday 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 269 of B.N.S.

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