



CRL.OP.No.28498 of 2024

WEB COPY A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120B, 419, 465, 468, 467, 471 and 420 of IPC in Crime No.50 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the accused by impersonating and fabricating the document had sold the land belonging to the defacto complainant. Hence the case. The defacto complainant has filed an intervene petition in Crl.MP.No.16384 of 2024 in Crl.OP.No.28498 of 2024.

3.Learned Senior Counsel appearing for the petitioner would submit that the petitioner is arrayed as A6 in this case. He would further submit that the petitioner is the purchaser of the property and he was not aware of the earlier transactions. The petitioner is ready to file an undertaking affidavit that he will not alienate or encumber the property which has come through the sale deed. Hence, he seeks anticipatory bail.



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4.Learned Governed Advocate (Criminal Side) appearing for the respondent Police while opposing for grant of anticipatory bail would submit that the petitioner is arrayed as A6. He would submit that the petitioner is aware of the earlier transactions and he is the purchaser of the property. Hence, 41A notice has been issued to the petitioner to appear before the respondent Police for enquiry.

5.Heard the learned Senior Counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6.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.

7.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 No.II, Poonamallee**, on condition that the petitioner shall



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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.

[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.

[g] The petitioner shall file an undertaking affidavit that he will not alienate or encumber the property.

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