



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.Nos.23293 and 23311 of 2021

K. Rajendran ... Petitioner in Crl.OP.No.23293 of 2021

R. Dhakshina Moorthy ... Petitioner in Crl.O.P.No.23311 of 2021

vs

State Rep by
The Inspector of Police
Koothanallur Police Station,
Thiruvarur.
(Crime No.469 of 2021)

... Respondent in both Crl.O.P's

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.469 of 2021 pending investigation on the file of the respondent police.

For Petitioner in
Crl.O.P.No.23293 of 2021 :Mr.John Sathyan
For Petitioner in
Crl.O.P.No.23311 of 2021 :Mr.Shivakumar

For Respondent in both
Crl.O.P's :Mr.A.Gokulakrishnan
Additional Public Prosecutor

Order

The petitioners in both Crl.O.P's, who apprehend arrest for the alleged offences under Section 417, 420, 467, 468 and 120(b) IPC in Cr.No.469 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in both Crl.O.P's is that the defacto complainant one Mr.Kannan and his brother claimed title over the agricultural land bearing Sr.No.35, 36 & 83 situated in Koothanallur Village, Thiruvarur District based on the sale deed dated 24.12.2011 bearing the Document No.1653, 1652 of 2011 on the file of SRO-Koothanallur. For the above referred property, the petitioners have created a forged document dated 19.07.2003 as such the defacto complainant's mother received Rs.10 Lakhs and



consequently, they both created a forged sale agreement in favour of the petitioners. Subsequent to the same, civil suit was filed in O.S.No.21 of 2012 before the Learned District Judge, Thiruvarur and for the relief of Specific Performance by the petitioners and Ex-Parte decree was passed without the knowledge of the mother of the defacto complainant. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that based on the Ex-Parte decree passed in Suit O.S.No.21 of 2012, suit was filed by the petitioners. Subsequently, sale deed was executed through Court. Thereafter, defacto complainant, who is the son of the purchaser of the property filed a false complaint stating that by fabricating the signature of her mother, the documents were created for which the petitioners were arrested unnecessarily. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the petitioners fabricated the signature of the mother of defacto complainant and the said documents were created by A-2 and a sale agreement was made over A-1. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. On perusal of the records, it is evident that already a decree was passed in the set aside petition filed by the defacto complainant in O.S.No.21 of 2012 and the same was dismissed by the court below against which, Criminal Revision Petition was filed by the defacto complainant and the same was pending before this Court and on perusing the materials reveals that the dispute between the parties is civil in nature. Considering the same, this Court is inclined to grant anticipatory bail to the petitioners in both the Crl.O.P's with certain conditions and the petitioners are directed to co-operate in the investigation.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Mannargudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the petitioner in Crl.O.P.No.23293 of 2021 is directed to appear before the respondent police daily on 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation and considering that the petitioner in Crl.O.P.No.23311 of 2021 has undergone two kidney transplantations, he shall appear before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, MANNARGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR

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+2 CC to M/S.D.PRABU Advocate on payment of necessary charges
SR.NO.14214

+2 CC to M/S.K.M.VIJAYAN ASSO. Advocate on payment of necessary
charges SR.NO.14215

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Date :07/12/2021

RVR 15/12/2021