



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1360 of 2022

R.Chandrasekaran

...Petitioner

Vs.

1.The State Represented by

... Respondents

The Inspector of Police,
Anti Land Grabbing Cell, District Crime Branch,
Thiruvallur District.
(Crime No.18 of 2017)

2. Ms.Lakshmi Kantha

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.18 of 2017, on the file of the respondent Police.

For Petitioner : Ms.S.Hemalatha

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

For Intervenor : Mr.V.P.Dillibabu

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 419, 467, 468, 471, 420, 294(b) and 506(i) of IPC in Cr.No.18 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father executed a will in favour of his daughter measuring 2.71 cents and thereafter he died. Later, when the defacto complainant checked the encumbrance status of her property, she found that the petitioner was alleged to have created a forged document dated 18.12.2006, duly registered as Document No.3815 of 2006 in the office of the Sub Registrar, Sriperumbudur as if the defacto complainant's father has executed a will in favour of the petitioner and he sold the same to a



third party in sale consideration. When the same was questioned by the defacto complainant, the petitioner threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and based on the false complaint given by the defacto complainant, he has been falsely implicated in this case. He further submitted that the petitioner was the power holder for the land measuring 1.55 cents for which he had executed a sale deed and the same was also been canceled by him. Furthermore he submitted that the person who executed the power of attorney to the petitioner is no more and even at the time of execution of Power of Attorney, the alleging principal was not alive and it was also found to be created by an impersonated person. Hence prays for grant of anticipatory bail.

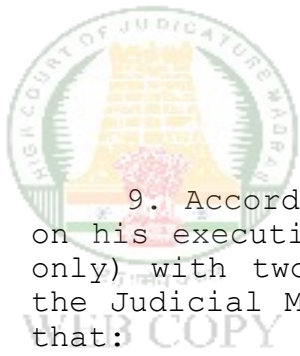
4. The learned counsel for the intervener raised objection stating that the petitioner executed a forged power of attorney as if father of the defacto complainant executed in his favour. Based upon the forged power of attorney, the petitioner created a sale deed with regard to the property in favour of one Oceanic Infrastructure Private Limited. He vehemently opposed grant of anticipatory bail to the petitioner.

5. Heard.

6. At the time of the arguments, the learned counsel for the petitioner submits that after filing of this FIR, the petitioner executed deed of cancellation with regard to the property as prescribed in the FIR for an extent of land 1.55 cents and to that effect, a deed of cancellation dated 13.12.2021 was filed before this Court. On perusal of the deed of cancellation produced by this petitioner for the land to the extent of 1.55 cents, reveals that the sale deed executed in favour of one Oceanic Infrastructure Private Limited was cancelled. But as per the contention of the intervener is that through the alleged fabricated power of attorney petitioner might have created documents in future. But as per the submission of the petitioner that he will not indulge in any act through the alleged power deed in future, moreover, the power deed also became invalid, for the reason that original principal as alleged in the power deed also dead. Hence, the power deed is no longer alive.

7. Furthermore, the petitioner also consented to file an affidavit along with original cancellation deed encumbrance certificate with regard to this property that he will not create any document through the power deed.

8. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



9. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate No.I, Thiruvallur, and on further conditions that:

(a) the petitioner is directed to submit original cancellation of sale deed before the trial Court along with Affidavit satisfy that he will not create any document based upon the alleged power deed No.1830 of 2005, dated 14.12.2005 and the petitioner is directed to appear before the Sub Register, Sriperumpudhur, to cancel the power deed as per manner known to law.

[b] the petitioner 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;

[c] the petitioner shall report before the respondent police on Saturday at 10.30 a.m., for a period of two months and thereafter as and when required for an interrogation;

[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 has been imposed and the petitioner is 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

18/02/2022

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.1, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB REGISTER,
SRIPERUMPUDHUR.

+1CC to M/S. S.HEMALATHA Advocate on payment of necessary
charges SR.No.2627

CRL OP.1360/2022

Date :18/02/2022

CSK 02/03/2022