



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Cr1.O.P.No.1254 of 2022

1.J.Pandian
2.Rajivi

... Petitioners

Vs.

State by
The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Nagapattinam District.
Cr.No.13 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to grant anticipatory bail to the petitioners in the event of their arrest pending investigation in Crime No.13 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.K.Subramanian

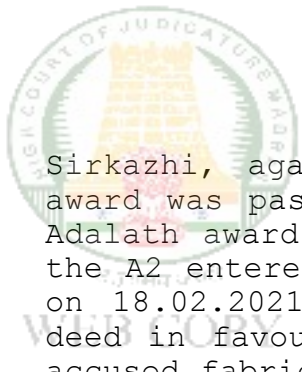
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 471, 120B IPC, in Crime No.13 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are A3 and A4 and the defacto complainant is the owner of the property. It is further alleged that the first petitioner forged the signature of the defacto complainant and fabricated the Hibba document and executed a sale deed in favour of A2 and after receiving the sale consideration, A1 was dragging the registration and thereby, on the basis of the said sale deed, the petitioner/A2 had filed a suit in O.S.No.140 of 2020 on the file of the District Munsif Court,



Sirkazhi, against A1 and the matter was settled in Lok Adalat and award was passed. Subsequently, the petitioner registered the Lok Adalath award in the Sub-Registrar Office, Sirkazhi, based on which, the A2 entered the sale agreement with A3 and the same was cancelled on 18.02.2021. Further, the petitioner/A2 executed the settlement deed in favour of A4. Further the petitioner/A2 along with other accused fabricated the Gift Deed in favour of A4 to grab the property from the defacto complainant. Hence, the complaint.

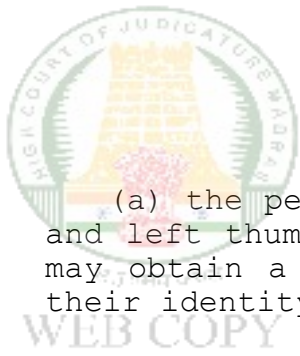
3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there is a civil dispute between the defacto complainant and the first accused. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the property of the defacto complainant was grabbed by A1 by fabricating Hibba agreement and then transfer towards the property to A2, subsequently A2 executed sale agreement and the same was cancelled and he settled the property in the name of his wife A4/2nd petitioner herein. All are conspired and attempted to grab the property. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. At the time of enquiry, the learned counsel for the petitioner submits that the 2nd petitioner against whom the settlement deed was executed which was purchased from A1, was admitted to cancel the settlement deed vide registered Document No. 940 of 2021.

6. Considering the facts and circumstances of the case and also the fact that there is already a civil suit pending between A1 and the defacto complainant and since the case is civil in nature, this Court is inclined to grant interim anticipatory bail to the petitioners till 15.03.2022, with certain conditions.

6.Accordingly, the petitioners are ordered to be released on interim anticipatory bail till 15.03.2022, in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Nagapattinam. on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 are directed to appear before the respondent police daily at 10.30 a.m upto 15.03.2022.

(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 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]; and;

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

7. The first petitioner should cancel the settlement deed in the presence of A2 at Sub-Registrar Office, Sirkazhi Taluk, Nagapattinam District within three weeks otherwise the bail will be cancelled.

8. For reporting compliance, with regard to cancellation of document, post on 15.03.2022.

-sd/-
04/02/2022

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.II, NAGAPATTINAM.



2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE DISTRICT MUNSIF JUDGE,
SIRKAZHI, NAGAPATTINAM.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
NAGAPATTINAM DISTRICT.

5 THE SUB REGISTRAR OFFICER,
SIRKAZHI TALUK, NAGAPATTINAM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.K.SUBRAMANIAN Advocate on payment of necessary
charges SR.No.1939

CRL OP.1254/2022

Date :04/02/2022

CSK 10/02/2022