



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

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

Cr1.O.P.No.3930 of 2022

WEB COPY

1.K.Vengadapathy
2.Sathiyalakshmi
3.Pandimeena
4.K.Venkatesan

...Petitioners

Vs.

The State rep. by the
The Inspector of Police,
CBCID Police Station,
Iyyanar Nagar,
Orliapet, Puducherry.
(Crime No.27 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on anticipatory bail in Crime No.27 of 2021 pending investigation on the file of the respondent police.

For Petitioners: Mr.M.Prabharan

For Respondent : Mr.V.Balamurugane
Public Prosecutor Puducherry.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 34, 419, 468 and 471 of IPC in Crime No.27 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant along with his brothers and sisters purchased properties from one Srinivasa Chettiyar on various occasions. Further, there was a proposal of partition between the defacto complainant and his brothers and sisters, in pursuance of the same, they have approached the Sub-Registrar Office on 08.11.2021 for encumbrance. Later, they



came to know that the petitioners had transferred the said property to their name by impersonating one Srinivasa Chettiyar. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the respondents are the absolute owners of the disputed property. The disputed property originally belonged to one K.Sinouvassin and he got the same by way of French Notarial Partition and for the same, the patta Number also has been issued in favour of him and the said partitioned properties were owned and enjoyed without any disturbance. In the mean time, he leased out one small part of the entire extent to one Bala Krishnan . The petitioners' parents with the help of the said Bala Krishnan, illegally occupied the said portion of land by forging documents without the consent and knowledge of Mr.Sinouvassin. Thereafter, the said Sinouvassin executed a Power of Attorney to one Vengadapathy/1st petitioner herein as his Power Agent for the said disputed property The 2nd and the 3rd respondents are absolute owners of their respective properties by virtue of sale deed executed by Sinouvassin and the fourth petitioner is the witness of the document. He further submits that the said Sinouvassin died. Thereafter, the complainant demanded right over the property by way of adverse possession and threatened them and caused more trouble to the petitioners by encroaching and alienating the disputed property. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) raised strong objection by stating that the first petitioner criminally conspired along with the others and created fabricated documents with the intention to grab the properties of the defacto complainant by way of impersonating someone as Sinouvassin. He further submits that after detailed enquiry, Thiru.M.S.Ramesh, District Registrar, Puducherry passed an order vide Order dated 10.01.2022 in No.4225/P-1/DRP/2021/4092/57 stating that the petitioners has criminally conspired together and created fake documents by impersonating someone as Sinouvassin with the malafide intention to grab the property of the petitioners and the deeds mentioned were fraudulently transacted documents through impersonation. Thereby, the proceedings in No.4225/P-1/DRP/2021/4092/57 registered in the Sub Registry, Oulgaret have been declared as "fraudulently registered". Based upon the alleged Power of Deed, the property was sold and the same was pledged in the Punjab National Bank and loan was obtained.

5. A perusal of entire facts facts reveals that the alleged Power Deed and Sale Deed are cancelled by D.R.Proceedings.



6. Considering the submissions made by both counsel and also considering the fact that the investigation was almost completed and the petitioners are ready to co-operate for the investigation and they are purchasers of the property and they are the Native of Puducherry, hence, this Court is inclined to grant anticipatory bail to the petitioners.

7.. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, before the learned Chief Judicial Magistrate, Puducherry, on condition that the petitioners shall execute separate bonds 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, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first and fourth petitioners shall report before the respondent police on every Monday and Friday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation and the second and third petitioners shall report before the respondent police as and when required for an 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 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.

WEB COPY

-sd/-

18/03/2022

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 CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
IYYANAR NAGAR, ORLIAPET,
PUDUCHERRY.

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+3 CC to M/S. M.PRABHARAN Advocate on payment of necessary charges SR.NO. 4179

CRL OP.3930/2022

Date :18/03/2022

RW 22/03/2022