



Crl.OP.No.25509 of 2022

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A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 423, 467, 468, 471 of IPC r/w 81(d) of Registration Act, 1908 in Crime No.4 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that a property comprised in S.No.247/4b ad-measuring an extent of 0.96 cents was possessed by Angammal by virtue of sale deed vide Document No.2040 of 1922, thereafter, she settled her property by virtue of settlement deed vide Doc.No.1243/1950 to kalian an extent of 0.47 cents thereafter the remaining property derived on Thangavel (Grand Son of Angammal) thereafter the said Thangavel and Kalian created a partition deed in Doc.No.689/2007 and after subdivision were enjoying their property separately. While so the said Kalian died, after his death on 29.03.2021 the property derived on (Rathnavel, Ganeshan and Mayakrishnan and the said Ganeshan executed his share to his son vide a settlement deed on 13.08.2021. It is further alleged that this petitioner along with others had



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jointly conspired and issued a legal notice to acquire the property and a suitable notice was also given by the complainant. It is further alleged that the Sub-Registrar, Thiyyagadurugam without any revenue records has registered a sale deed on 24.09.2021 to Veerasamy to an extent of 0.23 ½ cents and the land was later sold to Murugan on 04.10.2021. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent purchaser and he has not committed any offence as alleged by the prosecution. He would further submit that the sale deed has also been cancelled vide proceedings of District Registrar and the other accused have been granted anticipatory bail in Crl.OP.No.14489 of 2022. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the sale deed executed by the first accused was cancelled vide the proceedings of District Registrar. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.



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6. 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-II, Kallakurichi* on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 on every day at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.



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[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 229A IPC.

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