



CRL.O.P.No.28664 of 2022

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M.DHANDAPANI.,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 423, 465, 467, 468 and 471 of IPC in Cr.No.12 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the absolute owner of the property. It is alleged that the first petitioner / A1 created a forged patta in his name and thereafter, executed a sale deed in favour of the second petitioner/A2. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners already moved an anticipatory bail petition in Crl.OP.No.16239 of 2021 which was dismissed by this court on 15.09.2021. Subsequently, the defacto complainant has made a complaint before the District Registrar, Vridhachalam, for cancellation of the document No.141 of 2019 under Section 77 of the Registration Act. The District Registrar, Vridhachalam, vide order dated 17.11.2022 cancelled the



document

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No.141 of 2019 and issued a restraint order and subsequently directed not to entertain any document in respect of letter No.890/2022 since the said document has been cancelled. He further submitted, on instructions, that he has no objection for mutation of the revenue records in favour of the defacto complainant without prejudice to the rights of the petitioners in the Civil Suit pending before the competent court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the A1 was secured by the law enforcing agency. However, A2 has not been secured.

5. Considering the facts and circumstances of the case and also the Document No.141 of 2019 having been cancelled by the District Registrar, Vridhachalam, I am inclined to grant anticipatory bail to the petitioner/A2 alone. Insofar as the anticipatory bail petition as against A1, the same is dismissed since he has already been arrested.



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6. Accordingly, the petitioner/A2 is granted anticipatory bail and he 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 of receipt of a copy of this order, before the **learned Judicial Magistrate Court, Thittakudi**, on condition that the petitioner/A2 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)if the petitioner/A2 fails to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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/A2 shall report before the respondent police daily at 10.30 a.m. until further orders;



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(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/A2 in accordance with law as if the conditions have been imposed
and the petitioner/A2 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.

01.12.2022

Speaking/Non Speaking order
Index : Yes/No
Internet: Yes/No

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To

1. The Inspector of Police,
District Crime Branch,
Cuddalore District.
Fr.No.12 of 2021
- 2.The Judicial Magistrate,
Thittakudi
3. The Public Prosecutor,
High Court, Madras.



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