



Crl.O.P.No.4894 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 IPC subsequently, altered into 120(b), 167, 419, 420, 465, 468, 471 of IPC, in Crime No.01 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, his paternal grandfather Chenniya Naicker and his son Venkatesan filed a civil suit in O.S.No.328 of 1990 on the file of the District Munsif Court, Harur for declaration and injunction against the said Chenniya Naicker's elder sister Chennammal and her sons Raji @ Chennaiyan. In the above suit, there was a compromise between his grandfather and his grandfather's elder sister and his sons and they got a compromise decree and judgment dated 09.03.1994 and compromised in respect of Survey no.89/1C is a pathyway land. But the above said pathway has been fraudulently included by using compromise decree in



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the registered a sale deed bearing document no.3518 of 2021 dated 05.07.2021, on the file of Sub-Registrar Office, Uthangarai, Krishnagiri District by the owner of property A2 to A3. Hence, FIR was registered in Crime No.01 of 2023 under Section 420 of IPC but the defacto complainant filed a petition under Section 156(3) Cr.P.C., to registered a case for the same complaint before the Special Court for land grabbing, Krishnagiri, in Crl.MP.No.02 of 2022 dated 22.12.2022. Thereafter, the learned judge sent a letter to the respondent police for give an explanation for the direction. Therefore, the respondent police filed a report for altered the section and added some of the other accused and including the name of the petitioner, who is working as a sub-registrar, at Uthangarai. For alleging that the petitioner was allowed to register a pathway right belongs to defacto complainant in the sale deed without verify the documents. Hence, petitioner's name was implicated and arrayed as A9. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent. He would submit that the petitioner being a Sub-



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Registrar working at Sulagiri. Earlier, the petitioner was working as Sub-Registrar at Uthangarai, during such time the alleged occurrence stated to have been committed. He would submit that the petitioner had believing the other accused had registered the documents submitted by the accused for registration. Other than that, the petitioner has not committed any offence. He would further submit that the main accused who are aware of the suit and in soon the allegation is that the suppressing the suit registered the document have been granted anticipatory bail by this Court in Crl.OP.32509 of 2022 dated 10.01.2023. Thereby he seeks for anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner and the defacto complainant are close relatives and the adjacent land owners. He further submits that the legal heirs of the Chennaiyanaichar sold the properties to the petitioner and registered as Doc.No.3518 of 2021 on 05.07.2021 on the file of the Sub-registrar office, Uthangarai, Krishnagiri District by forging the document. He further submits that the investigation is almost completed. Hence, he vehemently opposed to



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grant anticipatory bail to the petitioner.

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5.Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Special Judicial Magistrate (Land Grabbing Court), (FAC), Krishnagiri, 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:



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[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 everyday at 6.30 p.m, for a period of two weeks and thereafter on every Saturday at 6.30 p.m., until further orders;

[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;

[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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