

Crl.O.P.No.4974 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 419, 420, 465, 468, 470 and 471 IPC in Cr.No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had impersonated, created fabricated document and executed the power deed and sale deed on 21.02.2007. Originally the property in survey No.108/2, 108/7, 108/3b and 108/4 belongs to one Selva vinayagam, who is the son of the defacto complainant, and the said Selva Vinayagam was died in the year 2014. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has no knowledge anything about the alleged fabrication of the document as stated in the FIR. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submits that as per forensic lab report, the power deed is fabricated one and after the death of the son of the defacto complainant those documents were created. Hence, he opposed for granting anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and that the FIR was registered on 28.03.2019, but so far, no arrest was made on the side of the prosecution, but on seeing the fact that he has signed the document in the year 2006 and he is only the witness of the fabricated power deed, and further more he has no previous case, there is no possibility of tampering the evidence, this Court is inclined to grant anticipatory bail to the petitioner. Further, on seeing the fact that from the year 2019 onwards, there is no progress in the investigation on the side of the respondent also. The District Registrar, Tiruvallur, is directed to conduct enquiry with regard to the fake document, by giving notice to the parties concerned in the manner known to law by invoking section 77A of the Registration Act. The petitioner is directed to co-operate for the enquiry.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 *Special Judge of Anti Land Grabbing, Tiruvallur*, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties out of which one surety shall be a blood



surety, 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 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 petitioner shall report before the respondent police on every alternative days at 10.30 a.m., for a period of two months 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;

(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 anticipatory 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;



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

03.03.2023

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Copy to,

The District Registrar, Tiruvallur.

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