



Crl.O.P.No.10172 of 2023

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C.V.KARTHIKEYAN, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 468, 471 and 420 of Indian Penal Code in Crime No. 5 of 2023, seek anticipatory bail.

2. It is stated that the entire issues surrounds property in S.Nos. 96/1A1, 96/1A2, 96/1A3 at Bommahalli Village, Karimangalam Taluk, Dharmapuri District. It is claimed that the property originally belonged to one Chinnappan and subsequently devolved to Anthony and thereafter to Martha. The first and second petitioners had been inducted as a tenants.

3. It is stated that the petitioners had created a false sale deed in favour of the second petitioner as if it was executed by the first petitioner. The third and fourth petitioners were witnesses.

4. It is stated on the complaint given by Martha that the District Registrar, Dharmapuri, had conducted an enquiry and found that the particular sale deed was registered as Document No. 1126 of 2022 on the file of the Sub Registrar, Karimangalam, was a forged one and had cancelled the said document by an order dated 06.03.2023. Thereafter, a complaint was lodged against the petitioners herein for execution of the sale deed.



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5. The learned counsel for the petitioner stated that the second petitioner asserted title and asserting title, has filed O.S.No. 177 of 2022 which is now pending before the Civil Court at Palacode. Similarly, Martha, who also claims title, has filed O.S.No. 116 of 2022, which is pending before the District Munsif Court, Palacode, in which the second petitioner / plaintiff in O.S.No. 177 of 2022 is the 9th defendant. It is seen that the parties are locked in a civil dispute questioning the order of the District Registrar and an appeal has also been filed by the second petitioner.

6. In view of these facts and since litigation are pending and only the result of which the discussion as to the title of the property, can be undertaken this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Dharmapuri, on condition that the petitioners shall execute a separate bond 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 this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioners 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 petitioners shall appear before the respondent police initially for a period of two weeks, daily at 10.30 a.m., and thereafter, as and when required for interrogation. They must also cooperate during investigation and the final report is filed by the respondents within the stipulated period.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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