



Crl.O.P.No.14154 of 2023

Orders Reserved on
25.09.2023

Orders Pronounced on
29.09.2023

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RMT. TEEKAA RAMAN., J.

The petitioners, who are arrayed as A.1 to A.3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420 IPC registered in Crime No.189 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant / Sub-Registrar, Attur, Salem District had given a complaint stating that the Settlement Deed vide Doc.Nos.3088 & 3089 of 2022 on the file of Attur Sub Registration Office were declared as fraudulent documents by the District Registrar vide Na.Ka.No.4611/E3/2021 dated 16.11.2022 and also directed the defacto complainant to take criminal action as against the petitioners under Section 83 of the Registration Act.

3 (i) The learned counsel for the petitioner would submit that originally the properties in S.No.686/6, 687/1, 688/5 situated at



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Ramanayakkanpalayam North Village, Attur Taluk, Salem District was got from an order of Tahsildhar in the year 1992. From the year 1984 onwards, the petitioners were in possession of the land through an unregistered sale deed and they are having D-Card and also the revenue records, patta, chitta, adangal in their favour. The petitioners have filed Suit in O.S.No.59/20220 for permanent injunction pending on the file of The District Munsif Court, Attur against the defacto complainant.

3(ii) The 1st petitioner had settled his property to the 2nd and 3rd petitioners vide Doc.Nos.3088 & 3089 of 2022 and they are in possession and enjoyment of the said property. In the said circumstances, the defacto complainant had filed a complaint before the District Registrar that he had purchased part of the above said property in the year 2005 vide Doc.No.632/2005 and one Sengodan had purchased the other part in the year 2007 in which the defacto complainant had filed a suit in O.S.No.6 of 2007 against Sengodan and Sengodan had filed suit against the defaco complainant in O.S.No.153 of 2005 without adding the petitioners as parties in the respective suits. The suits were disposed as settlement had been arrived at between them.



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4. The learned Government Advocate (crl.side) would contend that the District Registrar, vide Na.Ka.No.4611/E3/2021 dated 16.11.2022 declared the documents as fraudulent against the petitioners. He further submitted that an appeal has been filed by the petitioners before the Deputy Inspector General of Registration on 12.01.2023 and the same is pending.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the materials on record.

6(i) Additional Typedset of papers have been filed by the learned counsel for the petitioners. Perused the copy of the order passed by this Court in WP No.18371 of 2021 dated 02.09.2021. The 1st petitioner claims that one Natesan, while he was alive had executed a sale deed in the year 1984 and based upon the same, the 1st petitioner was in possession and enjoyment of the property and obtained D Card possession. Based upon the same, the 1st petitioner herein has obtained the patta and copy of the patta is also enclosed. Thereafter, he has settled the property in favour of his two sons, petitioners 2 & 3 herein.



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6(ii) The defacto complainant have stated that after the death of Natesan, the legalheirs have sold the properties to him in the year 2005 and that when he inspected the property, the 1st petitioner herein was in possession of the property. Thereafter, the 1st petitioner filed O.S.No.59 of 2020 on the file of District Munsif Court, Attur seeking for permanent injunction. Sale deed executed in favour of the 1st petitioner is of the year 1989 executed by Kuppan s/o Natesan. The sale deed executed in favour of the defacto complainant/Ponnusamy is executed by the legalheirs of the Kuppan s/o Natesan. The petitioners are in possession of the property as could be seen from the suit in O.S.No.59 of 2020.

7. Considering the rival submission of the parties and the fact that the petitioners are in possession of the property and that the suit in O.S.No.59 of 2020 filed by the petitioners are pending, I am inclined to grant anticipatory bail to the petitioners.

8. 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



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from the date on which the order copy is made ready, before the learned **Judicial Magistrate - I, Attur** on condition that the petitioners shall execute a 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 report before the respondent police on Saturday at 10.30 a.m., until further orders;

[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



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appropriate action against the petitioners 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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RMT. TEEKAA RAMAN., J.

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order in
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