Crl.O.P.Nos.20431 and 20418 of 2023

C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 420,465,468,471,34 and 120B of IPC in Crime No.83 of 2023, seeks anticipatory bail.

2. The 1st accused in Cr.No.83 of 2023 had filed Crl.OP.No.20418 of 2023 and the 4th accused in the very same crime number had filed Crl.O.P.No.20431 of 2023. The said crime number has been registered for offences punishable under sections 420,465,468,471,34 and 120B of IPC. The facts of the case go back to the year 1985. At that particular point of time, VGP Housing Pvt Ltd., of which the 1st accused is said to be a manager, had executed a sale deed of a plot in favour of Mrs.Nirmala Premkumar Danisan. She was residing in that particular property peacefully. For some reason, another sale deed was executed for the very same plot in favour of the 2nd accused namely Ramu in the year 2016. That led to the lodging of a complaint by Mrs.Nirmala Premkumar Danisan and registration of FIR in

Cr.No.123/2017. In that particular FIR, the 1st accused herein is also the 1st accused. According to the respondent, in order to wriggle away from that particular complaint, the 1st accused once again started to complicate the entire issue. It is stated that the said Ramu has given a complaint before K.R.Nagar Police Station, Bangalore that the sale deed of the year 2016 had been lost and sought an non traceable certificate to be issued by the said police station.

3. It is stated that he had given a complaint but the police had not given any such certificate. But however, such a certificate was produced and keeping that as a document, a Deed of Cancellation was sought to be presented before the Sub-Registrar office. The Sub Registrar had awakened and thereafter, finding that the said non traceable certificate itself is a forgery, raised allegations against the respective parties. This led to the lodging of the present complaint in FIR in Cr.No.33/2023 which had been registered under sections 420,465,468,471,34 and 120B of IPC.

4. Learned senior counsel appearing for the 2nd petitioner claimed that the 1st accused is totally ignorant about the activities of the said 2nd accused/Ramu and claimed that the 1st accused was innocent of the acts of forgery, was ignorant that the non traceable certificate was actually a forgery and sought indulgence of this court. It is also stated that the 1st accused wanted to set right the earlier issue by cancelling the sale deed executed in the year 2016 and out of all bonafide intention, had enclosed a non traceable certificate without any knowledge that it was a forged document. It is therefore contended by the learned senior counsel that the 1st accused himself is a victim of the activities of the 2nd accused/Ramu.

5. On the other hand it is the contention of the respondent that all the accused are working under the connivance of the 1st accused. It is also stated that investigation had never started. The accused had not come over to co-operate with the investigation. It is also seen from the records that the 2nd accused/Ramu had not filed any Anticipatory Bail application. It is only evident and I am quite confident that no progress would be made in the investigation.

6. The 1st accused had earlier committed an offence which led to registration of FIR in Cr.No.123/2017, alleging that the plot which had already been sold to the defacto-complainant in the year 1985, was once again sold to Ramu in the year 2016. Thereafter, a complaint had been lodged by the original/first-purchaser of the said plot/Nirmala Premkumar Danisan. After that particular complaint, independently, all the accused had created a forged non traceable certificate of the sale deed of the year 2016 and had presented it along with cancellation deed for registration.

7. If the document of the year 2016 is actually lost then there need not be any forgery of a non traceable certificate. This would only indicate that the document is still available. This document would directly interfere with the title of Mrs.Nirmala Premkumar Danisan.

8. Therefore, without producing that particular document of the year 2016, the document of cancellation, is only a white washing attempt to cover up the earlier offence of sale of same property. The entire issue requires deep investigation. The documents will have to be seized and also have to be examined as to why a non traceable certificate was sought

and where the document of the year 2016 has disappeared. This investigation cannot be done in the absence of the accused persons.

9. So far as the 4th accused is concerned he has signed as witness to the document of cancellation of sale deed. Even though it could be very well stated that a witness would not known anything about the transaction, in the peculiar circumstances, he cannot also claim ignorance of the entire transaction. This aspect has to be examined by the respondent.

10. In view of these facts, this court is not inclined to grant Anticipatory bail. Therefore this Criminal Original petition is dismissed.

18.10.2023

gvn/nsl

C.V.KARTHIKEYAN, J.
gvn/nsl

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