



Crl.O.P.No.20756 of 2023

***Orders reserved on
26.09.2023***

***Orders pronounced on
29.09.2023***

Crl.O.P.No.20756 of 2023

RMT.TEEKAA RAMAN, J.

The Petitioner/A7, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 34, 419, 465, 467, 468, 471 of IPC in Crime No.33 of 2022 on the file of the Respondent police, seeks anticipatory bail.

2(a).The case of the prosecution is that the husband of the defacto complainant and his two brothers namely Soundarapandi Nadar, Mukkantha Nadar together purchased property at Madhavaram Village, comprised in Survey No.1304, 1305, 1352, 1355 & 1356 to an extent of 20 Acres 15 cents from one Ponnurangam and Kannapparaman and registered in Doc. No.3303/1958 at SRO-Sembium in favour of their respective wives namely Ranjithammal/Complainant, Annamalaiammal and Santhoshammal. Subsequently the said Annamalaiammal and Santhoshammal had released their respective shares in favour of the defacto complainant/Ranjithammal, by way of Release Deed in Doc.No.972/1963 on the file of SRO-Sembium. In the said 20 acres 15 cents land, an extent of 3 acres 65 cents of land were settled by the



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complainant in favour of Government for the construction of road and another extent of 36 cents for the purpose of pathway and the complainant sold 1 acre 93 cents of land to the third party. The complainant settled the property to an extent of 12 Acres 89 cents in favour of her legal heirs viz., Rajasekar, Prabakaran, Kumaravel Prema and Bakkiyalakshmi by way of Settlement Deed vide Doc. No.4700 of 2017 on the file of SRO-Thiruvottiyur and retain the remaining portion of land for herself.

2(b).In the year 2018, the defacto complainant had executed a rectification deed in Doc.No.4779/2018 at SRO-Thiruvottiyur in a settled portion lands by her. The Defacto Complainant came to know that an extent of 82 cents of land comprised in survey No.1355 & 1356 at Madhavaram Village has been encroached by some unknown person. When she enquired the same before the SRO-Madhavaram and obtained Encumbrance Certificate for the same, she came to know that in the year 1982, an extent of 82 cents of land comprised in survey No.1355 and 1356 was executed by Ranjithammal in favour of one Sampath vide sale deed in Doc.No.4162 of 1982 at SRO-Ambattur. After the demise of said Sampath, his legal heirs Santhi, Malini, Senthilvelan had executed a Power of Attorney Deed in Doc.No.2719/2019



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dated 30.04.2019 on the file of SRO-Madhavarm in favour of Baskaran and the Petitioner herein. On the strength of power of attorney, on 22.07.2019 at SRO-Madhavaram an agreement for sale in Doc.No.4779 of 2019 was executed with one Ramesh and the same was cancelled on 26.06.2020 vide Doc.No.2579 of 2020. On the same day, this Petitioner and Baskaran executed a sale deed in Doc.No.2580 of 2020 in faovur of Ramesh and Mohamed Faizer Rahman for an extent of 64 cents in the said survey land. Hence the complaint.

3.The sum and substance of the complaint is that as per the devolution tracing of the title to the property, the Accused in the above crime number has projected the sale deed in Doc.No.4162 of 1982 dated 13.09.1982, SRO, Ambattur, whereby one Ranjithammal said to have been sold the property to Sampath, on his death, the same was devolved upon his legalheirs, who have executed general power attorney in favour of Baskaran and Muthu. Subsequently, sale has been effected in favour of Ramesh and it is alleged that Ranjithammal has never executed the sale deed dated 13.09.1982, which is said to have been registered as Doc.NO.4162 of 1982, SRO, Ambattur.

4.The Investigating Officer through the learned Government



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Advocate (Crl. Side) has produced the track of devolution of title from the Defacto Complainant side as well as from the Accused side.

5.Learned counsel for the Petitioner would submit that the Petitioner is an innocent person and seeks anticipatory bail to the Petitioner.

6.Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl. Side) appearing for the Respondent Police.

7.On perusal of the CD file produced by the Respondent Police, I find that the matter is at the stage of preliminary of investigation. The District Registrar has forwarded the original copy of Doc.No.4162 of 1982, registered with the then Sub Registrar of Saidapet, Madhavaram Village, which indicates that it is an equitable mortgage deed and not a sale deed as projected by the accused side and it appears that another set of documents produced by the accused side during the time of enquiry as Doc.No.4162 of 1982 is mentioned as sale deed. Based upon the said fabricated document, the learned Government Advocate (Crl. Side) stated that the signature of Ranjithammal, signature of staff of the Sub Registrar's Office, seal of the Sub Registrar and



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signature of the Sub Registrar and Government seal has been fabricated to create a document as if, it is a sale deed, while in fact, it is only a mortgage deed between some other parties. Neither the parties herein nor the property is covered under the sale deed produced by the accused.

8.Considering the nature and gravity of the offence and the fact that the document executed in the Sub Registrar's office and other connected documents has to be collected from the Sub Registrar's office and connected persons have to be examined in this matter and the matter is at the stage of preliminary enquiry, I am not inclined to grant anticipatory bail to the Petitioner.

9.Accordingly, this Criminal Original Petition is dismissed.

29.09.2023

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RMT.TEEKAA RAMAN, J.

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Pre-delivery Order in
Cr1.O.P.No.20756 of 2023

Dated 29.09.2023