



Crl.O.P.No.21000 of 2023

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RMT.TEEKAA RAMAN, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 463, 464, 468 of IPC in Crime No. not known of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that as per the complaint, one ex-service man by name A.Gopalan was given 3 acres of land and as per encumbrance certificate, there is a sale deed said to have been executed by Gopalan in favour of Chitra on 28.09.1993. In turn, the said Chitra sold it to one Thangaraj, who in turn, said to have sold to one Ramesh Krishnan on 08.02.2007. Thereafter, on 29.12.2020, he had executed the sale deed in favour of Sri Aandal Paper Mills Limited/ petitioner herein. The defacto complainant has come to know that the sale deed dated 28.09.1993 is fabricated by Chitra and the thumb impression in the sale deed is disputed by Gopalan. Hence the complaint.



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3. Learned Senior Counsel appearing for the petitioner relied upon the order made in Crl.O.P.No.20680 of 2023 filed by one K.Ramesh Krishnan from whom the petitioner had purchased the land and for his vendor, this Court vide order dated 04.09.2023 had already directed the respondent police not to arrest the accused on the complaint lodged by the defacto complainant. Further he would submit that the Petitioner is an innocent person and prays for grant of anticipatory bail to the Petitioner.

4.The Government would submit that one A.Gopalan has filed the complaint before the respondent police and the same has been taken on file and it is under investigation. Further 41-A notice has also been issued to the petitioner and he has also appeared before the respondent police once and subsequently he has not appeared. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard both sides and perused the materials available on record.



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6. Taking into consideration that what was disputed is an thumb impression in the sale deed dated 28.09.1993 and also there is a huge delay in filing of the complaint, the petitioner is directed to appear before the respondent police and the Investigating Officer has to conduct the enquiry by strictly following the procedures therein and if any *prima facie* case is made out against the petitioner, register the F.I.R or close the petitioner enquiry within a period of three weeks from today. The parties are directed to cooperate with the enquiry. It is needless to say that the respondent police is directed not to arrest the accused on the complaint lodged by the defacto complainant.

7. With the abovesaid directions, this Criminal Original Petition is disposed of.

15.09.2023

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