



Crl.O.P.No.21630 of 2023

Orders Reserved on
27.09.2023

Orders Pronounced on
29.09.2023

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RMT. TEEKAA RAMAN., J.

The petitioners are arrayed as A.5 & A.9. A.9 is the Attestor of the alleged forged document and A.5 is the Village Administrative Officer who has cheated and issued revenue records based upon the said document. They apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 466, 468, 471 IPC r/w 120 (b) IPC, registered in Crime No.345 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's grand father had written a sale deed in favour of the defacto complainant Srinivasan when he was 8 years old vide Doc.No.612/2001 and the same was called vide Doc.No.4703/2005 in SRO, Thirukalikundram and Doc.No.4704/2005 was executed by the grand father Desappa Chettiyar in favour of Vedhavalli. Based on the same, there was a suit which was decreed in favour of the defacto complainant and the appeal filed by the said Vedhavalli. At this juncture, the said Vedhavalli had executed a settlement



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deed in favour of her sons namely Pasupathi and Kumaresan. The 1st petitioner states that the defacto complainant and Mrs.Vedhavalli are blood relatives and the property dispute between them was not disclosed to the 1st petitioner at the time of attesting the grama natham patta true copy in Form IV, for the purpose of getting loan from Government Society.

3. The learned counsel for the petitioner would submit that the anticipatory bail petition in Crl.M.P.No.4827 of 2023 filed before the Principal Sessions Court, Chengalpattu had been dismissed on 08.09.2023.

4. The learned Government Advocate (crl.side) would contend that A.1 & A.2 has been granted anticipatory bail by the Principal District Judge, Kancheepuram in Crl.MP No.3082 of 2023 on 08.08.2023 and that the civil suits are pending.

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



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6. On perusal of the documents, it is seen that the property was originally purchased by the defacto complainant's father in the name of the defacto complainant while he was minor, by sale deed dated 14.03.2001. All the other accused have colluded themselves and persuaded the defacto complainant's grandfather to cancel the said deed on 03.11.2005 and executed a sale deed in favour of one Vedhavalli and thereafter, she settled the property to other persons. Thereafter, the defacto compliant filed suit which was said to have been decreed in his favour. The Appeal Suit filed by the Vedhavalli was said to have been dismissed and the Second Appeal is said to have been pending on the stage of condonation of delay. The mother of the defacto complainant was granted anticipatory bail by the Trial Court and these petitioners are said to have effected mutation of revenue records based upon the documents.

7. Considering the rival submission of the parties and the fact that co-accused has been granted anticipatory bail by the Trail Court, I am inclined to grant anticipatory bail to the petitioners.



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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 from the date on which the order copy is made ready, before the learned **District Munsif cum Judicial Magistrate, Thirukalukundram** 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 daily at 10.30 a.m. for 15 days

[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.



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[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 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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