



Crl.O.P.No.32563 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 294(b), 420, 464, 467, 468, 471, 120-B of IPC 1860 in Crime No.7 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that A1, A2, A3 conjointly fabricated some documents and created a partition deed dated 27.01.2004 among themselves and based on the said document A1 executed a Settlement Deed dated 11.06.2020 in favour of his son Ramesh(A4)/petitioner. Hence the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further stated that there is a possessory title between the parties who are in joint possession and enjoyment of property since 1963 from the ancestors. The defacto complainant has no independent title to claim the property which is now in continuous



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possession and enjoyment of the petitioner and the matter is purely civil in nature. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that that A1, A2, A3 conjointly fabricated some documents and created a partition deed dated 27.01.2004 among themselves and based on the said document A1 executed a Settlement Deed dated 11.06.2020 in favour of his son Ramesh(A4)/petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor submits that Mr.Murugesan, Mr.Ayyadurai, Mr.Natrajan sons of late Mr.Vaithyanatha-pillai registered the schedule property by way of family partition deed dated 27.01.2004 and it was registered as document No.133 by fraudulently fabricated documents with a view to grab the property. Hence, he opposed for grant of anticipatory bail to the petitioner.



6. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, and there is no possibility of tampering the evidence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate cum Special Court for Land Grabbing Cases, Ariyalur** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or 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 petitioner 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.



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[b] the petitioner is directed to report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.

[c] the petitioner is directed to cooperate for the investigation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 petitioners 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];**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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