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Crl.O.P.No.3990 of 2024

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And
Crl.M.P.No. 4071 of 2024

C.V.KARTHIKEYAN, J.

The intervening petition Crl.M.P.No. 4071 of 2024 is allowed.

2. The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 420, 465, 471, 409, 506(2), 494(b), 447 147, 409 of Indian Penal Code in Crime No. 1498 of 2023, seek anticipatory bail.

3. It is stated that the defacto complainant is an illiterate lady and her husband is a blind person. Naturally, they are in a pathetic position and they are in possession of lands. It is stated that they had borrowed money from the petitioners herein. It is also stated that towards the borrowal, it was held out that they should mortgage their property. But two separate sale deeds had been executed and it is stated that they were under the impression that only a mortgage deed was to be executed, but sale deeds were executed. The first sale deed was registered as Document No. 3586 of 2021 on 12.08.2021 for 28 ½ cents of land. The



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second sale deed had been executed on 04.08.2022 for 84 cents and registered as Document No. 4319 of 2022. The Sub Registrar who registers these documents also had a duty to ensure that the parties, who execute the deeds, were aware of the nature of the deeds. The Sub Registrar also had a duty to ensure that consideration flowed from the purchase to the vendor. More particularly if the vendor was illiterate, the Sub Registrar should have read over the document and should have explained the contents of the documents to the Vendor before the document is registered. None of these aspects have been examined by the respondent.

4. It is stated by the learned counsel for the petitioner that a group of persons were brought to the defacto complainant and they had demanded additional amount since a road is to be formed in that particular area and the value of the land had increased.

5. I am not able to understand the rationale behind lodging of the complaint without going to a Civil Court, if at all there is proper evidence of misrepresentation being made about the nature of the document to be executed.



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6. The learned counsel for the petitioner pointed out the statement of the Sub Registrar, who claimed that the documents had been read over and explained.

7. In view of these facts, there is no other alternate but to grant anticipatory bail to the petitioners. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 made ready, before the learned Judicial Magistrate No.V, Salem, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 1 & 3 shall appear before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation and the second petitioner shall appear before the respondent police once in a week ie., every Monday at 10.30 a.m., for a period of three weeks and thereafter as and when required.

[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.

[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 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]**.

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

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