



Crl.O.P.No.4682 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 409, 420, 468, 471, 204 IPC r/w 34 of IPC and 13(1)(C) of POC Act in Cr.No.4 of 2023, seeks anticipatory bail.

2. Totally there are four accused in this case and the petitioner herein is arrayed as A3. The case of the prosecution as per the defacto complainant is that the complaint given by one C.Sendhil Kumar, Director of Survey & Land Records, Puducherry is that the petitioner and other accused persons have created false and fabricated document with dishonest intention. They utilized these documents as genuine and submitted the report to the Settlement Officer with intention to grab the property of Balasundara Vinayagar Loil, Korkadu. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this



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case. He further submits that she purchased the property in the year 1992 to an extent of land measuring 87.50 Ares i R.S.No.62/1A with a valid sale deed from the legal heirs of the original owner Kesavareddiar, and thereafter she was in possession and enjoyment of the property, but she is now falsely claimed right over the property, for which no revenue records stands in the name of the petitioner. He further submits that on the other hand, the property, to which the survey number belongs, was erroneously incorporated in the name of the temple, and for which, the petitioner is before the Settlement Officer, for an enquiry that was conducted and the entry was corrected by issuing a patta in her favour on 21.10.2021. The erroneously made entry, standing in the name of the temple was cancelled by the Settlement Officer. By relying on the settlement proceedings, she claimed a right over the property.

4. He further submits in the year 2008 itself, Hemalatha has preferred the petition before the Settlement Officer and the claim was rejected against which she preferred the appeal. The Appeal was numbered as Appeal No. 4 of 2009 dated 27.04.2015 and the same was also dismissed. As per that order,



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the patta holder is the temple in the settlement records. However, suppressing the earlier proceedings, the petitioner along with other petitioners filed a petition against the Settlement Officer, for which, enquiry was conducted without serving any notice and now the patta was granted in favour of the individual holding that erroneous entry was made in the name of the temple. He further submits that in order to grab the property belonging to the temple, they purposely suppressed the earlier proceedings, obtained the order and raised strong objections. Hence, she prays to grant anticipatory bail to the petitioner.

5. Learned counsel for the Intervener submits that without issuing any notice to the temple the enquiry was conducted fraudulently by colluding with Balaji, the settlement officer obtained erroneous order by obtaining patta in her name by cancelling the patta stands in their name. Hence, he opposed for the grant of anticipatory bail to the petitioner.

6. Learned Public Prosecutor (Puducherry) appearing for the respondent submitted that the enquiry was conducted in the year 2003 and it



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was ended in the year 2015 bearing the title of the temple Balasundara Vinayagar Koil Temple, Korkadu. He further submits that subsequently in the year 2021 one Balaji, Settlement Officer, has cancelled the patta, which stands in the name of the temple and granted it in favour of private individuals including this petitioner. However, the said Balaji has now been suspended due to wrongful acts, and he is also facing the disciplinary proceedings. He further submits that no notice was served to the temple but the enquiry conducted by Balaji was erroneous. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

7. Taking into consideration the facts of the case and the sale deeds were long back and there is no fabrication of the records at this stage and the order passed by the Settlement Officer was also under challenge by the temple, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from



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the date of receipt of a copy of this order before the ***learned Chief Judicial Magistrate, Pondicherry***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner is directed to file an undertaking affidavit before the trial court stating that she will not make any encumbrance over the property, and status quo as on date is ordered to be maintained, until it is modified by any other court of law.

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[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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

17.04.2024

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