



Crl.O.P.No.8741 of 2024

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 465, 468, 471 and 420 of IPC in Crime No.8 of 2020, seek anticipatory bail.

2. It is alleged in the FIR that defacto complainant and his brothers have been in possession and enjoyment of joint family property to an extent of 5.26 acres. While so, the defacto complainant's younger brother filed a suit in O.S.No.13 of 1998 for partition. Pending suit, the defacto complainant's elder brother one Shanmugam executed a General Power of Attorney in favour of N.Jagadeesan and Ganesan. Thereafter, the said general Power of Attorney was cancelled and the defacto complainant and his brothers sold 4 vacant plots to one Kala vide Document No.1351 of 1991 in which the above said Jagadeesan is an attesting witness. It is further alleged in the FIR that N.Jagadeesan, P.Ganesan,



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K.P.Shanmugam and G.Kesavan colluded together with an intention of expropriating the property belonging to the defacto complainant. It is also alleged that on 09.07.1998, without including Shanmugam/defacto complainant's elder brother, owner of the property, both K.P.Shanmugam and G.Kesavan filed a suit against N.Jagadeesan and they obtained order in their favour and they sold the property to the petitioners.

3. The learned counsel for the petitioners submits that at the time of purchasing the property, after due verification of the documents, the petitioners found that the property is clear in title and absolute possession of K.P.Shanmugam and G.Kesavan and they purchased the said property from them in respect of Survey Nos.108/2A, 108/2B, 108/2C at Sathuvacheri village, Vellore District vide document No.5435 of 2004 and the same was registered at Sub-Registrar, Vellore. He would also submit that petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) would submit that



there are totally five accused in this case. The petitioners are ranked as A4 and A5. He would submit that through fabrication of documents, the sale deed was executed in favour of petitioners and obtained the decree fraudulently. He opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also the fact that the petitioners are senior citizens, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, **the petitioners are directed to deposit the title deed stands in their name before the Trial Court in Crime No.8 of 2020**, without prejudice to their claim, within a period of two weeks from the date of receipt of a copy of this order and on such deposit and production of proof, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Judicial Magistrate Court No.V, Vellore** 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 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 are directed to report before the respondent police as and when required for interrogation.

[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



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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.

**[g] Failing to deposit the title deed before the
Trial Court, this anticipatory bail shall stand
cancelled automatically.**

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