



Crl.O.P.No.17245 of 2024

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T.V.THAMISELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 420, 468, 471 r/w 109 of IPC in Crime No.173 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's father viz., Ananthapadmanaghan, is the original owner of the property. He executed settlement deed in favour of the defacto complainant before the SRO, Sooramangalam vide Doc. No.3928 of 2002, dated 06.11.2002. The Accused 1 to 3 fraudulently created fake sale agreements as if executed by the father of the defacto complainant and by using the same, A1 obtained patta in his favour. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in



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this case. He further submitted that one Alagiri and Poovaragavan colluded together and created a bogus sale agreements they filed a civil suit for specific performance in O.S.No.153 of 2006 and filed R.E.P.No.129 of 2008 and thereafter they sold the property to this petitioner. The petitioner being a purchaser obtained patta in his favour and subsequently, the said Alagiri was died. The patta issued in favour of the petitioner was cancelled by the revenue authorities. The petitioner has no knowledge about the alleged occurrence and offence committed by Alagiri. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the Accused 1 to 3 fraudulently created fake sale agreements as if executed by the father of the defacto complainant and by using the same A1 obtained patta in his favour. He further submitted that the Investigation Officer is newly took charge of the Station and therefore she is now only going to conduct further investigation and final report is yet to be filed. Hence, he raised strong objection for grant of anticipatory bail to the petitioner.



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5. The learned counsel for the intervenor appeared and raised strong objection for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the counsels and also the fact that the suit is filed in the year 2006 and the property was purchased in the year 2010, there is no possibility of tampering witnesses, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Further, the Investigation Officer is directed to conduct further investigation.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate, Sooramangalam**, on condition that the



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petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 and on further condition that:

[a] the petitioner shall deposit the title deeds to the credit of Crime No.173 of 2022 within a period of two weeks from the date of receipt of a copy of this order with undertaking affidavit that he will not make any further encumbrance and shall produce the said receipt before the Court below;

[b] 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;

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

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

[e] the petitioner shall not abscond either during



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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 anticipatory 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;

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