



Crl. O.P. No.21567 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 465, 468, 467, 471 and 420 of I.P.C. in connection with the Cr. No.76 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has purchased the property to an extent of 2.46 acres in Survey No.626/5 vide its registered document in No.678 of 1965 dated 23.03.1965 and an extent of 2.14 acres in Survey No.626/4 vide a registered Doc. No.998/1965 dated 26.04.1965 before the Sub-Registrar, Poonamallee and further a rectification deed following Doc. No.998 of 1965 was registered in doc. No.2428 of 1965 dated 26.07.1965. The subject piece of land was developed to a Hen Farmhouse cum a residential portion by the predecessor of the defacto complainant and the patta in respect of the subject property stands in the parent purchaser's name and absolute true title by documents vest with the defacto complainant. The accused by suppressing all the facts about the original title deeds and also the original owners of the property, have created parallel title deeds in respect of the



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subject property measuring to an extent about 5000 sq. ft. vide 3 registered settlement deeds viz., 1. Doc. No.2841 of 2009 executed by A1 in favour of A4 and A5, 2. Doc. No.2842 of 2009 executed by A1 in favour of A2 and 3. doc. no.2843 of 2009 executed by A1 in favour of A3 and the accused have deliberately created double documents to the subject land vests with the defacto complainant. The accused, despite being aware of the fact that the property originally belongs to the defacto complainant, have suppressed the details of previous document, during the registration using fraudulent deeds. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the 1st petitioner is the wife of late Kuppusamy Naidu, 2,3 petitioners are her daughters and the petitioners 4 and 5 are her grand daughters, that the said Kuppusamy Naidu died on 31.12.2002, that the petitioners 1 to 5 are the legal heirs of the deceased Kuppusamy Naidu, that the 1st petitioner is the absolute owner of the subject property after the demise of her husband, that as the absolute owner of the subject property, A1 had settled the property vide settlement deeds in favour of the petitioners 2 to 5, that the respondent police asked the petitioners to appear before them for enquiry and accordingly, the petitioners 2 and 3 had appeared for



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enquiry, that petitioners are having absolute right over the property, that the defacto complainant by colluding with the respondent police, threatened the petitioners, that there is a civil dispute pending in O.S. No.371, 372 and 373 of 2024 on the file of learned Principal district Judge, Tiruvallur and the same is now transferred to the file of II Additional District Court, Tiruvallur, that the petitioners are innocent persons and that they are ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners. Further the learned counsel appearing for the petitioners would submit that in the petition filed for anticipatory bail to the petitioners, the satisfaction Court has wrongly been mentioned as Judicial Magistrate-II, Poonamallee instead of Judicial Magistrate-I, Poonamallee.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the accused have created parallel title deeds in respect of the subject property measuring to an extent about 5000 sq. ft. vide 3 registered settlement deeds viz., 1. Doc. No.2841 of 2009 executed by A1 in favour of A4 and A5, 2. Doc. No.2842 of 2009 executed by A1 in favour of A2 and 3. doc. no.2843 of 2009 executed by A1 in favour of A3 and hence the above case was registered against the



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accused for the offences under Sections 465, 468, 467, 471 and 420 of

WEB C I.P.C. Hence he strongly objected for the grant of anticipatory bail to the petitioners. He further submitted that statement of material witnesses was recorded by the investigating officer and there is no previous case pending against the petitioners.

5. The learned counsel appearing for the intervener has reiterated the arguments of the learned Government Advocate appearing for the respondent police and objected to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record.

7. Considering the arguments putforth on either side, considering the nature of offences charged against these petitioners and they are based on the documents, that already there is a civil dispute between the parties and that there is no previous case pending against these petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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**



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Judicial Magistrate No.I, Poonamallee on condition that the petitioners

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 learned

Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on everyday at 10.00 a.m. until further orders.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[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



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under Section 269 B.N.S.2023.

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11.09.2024

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To

- 1.The Judicial Magistrate No.I, Poonamallee
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Avadi Central Crime Branch LD-1, Avadi City, Avadi, Chennai-600 054.

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