



Crl. O.P. No.22802 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 465, 468, 471 and 420 of IPC in connection with the Cr. No.336 of 2024 on the file of respondent, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant acted as General Power Agent of Tirupathi Gounder and others and the Power deed was executed in his favour on 19.08.2010 and he paid the entire sale consideration of the properties and the possession was handed over to him. Thereafter the petitioner sold the property to one Hema Ramanathan and sale deed was executed in the year 2020 under the guidance of this petitioner, who is the son of the 2nd Principal's brother and grandson of the 1st Principal and he used the photos of dead persons namely Mr. Thirupathi Gounder and Ammasi S/o. Thirupathi Gounder, created forged life certificates for execution of sale deeds. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the respondent police have registered a false case for the offences under



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Sections 465, 468, 471 and 420 of IPC and there is a property dispute between the parties. This petitioner has not signed in any documents and he is no way connected with the alleged offences. Moreover, the properties were sold by the defacto complainant, who is the Power Agent after the demise of some principals and the defacto complainant is the executor of the sale deed and this petitioner is not a party to the document and hence he prayed to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor / defacto complainant would contend that the defacto complainant acted as General Power Agent of Tirupathi Gounder and others and the Power deed was executed in his favour on 19.08.2010 and he paid the entire sale consideration of the properties and the possession of the land was also handed over to him. Thereafter the petitioner sold the property to one Hema Ramanathan and sale deed was executed in the year 2020 under the guidance of this petitioner, who is the son of the 2nd Principal's brother and grandson of the 1st Principal, who had to bring the photos of dead persons namely Thirupathi Gounder and Ammasi, S/o. Thirupathi Gounder and created forged life Certificates. Based on the life certificates obtained by the petitioner herein, the defacto complainant executed a Sale deed and



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thereafter, they filed a petition before the concerned Registrar stating that this Sale Deed was executed after the demise of Thirupathi Gounder and Ammasi. The Sale Deed was executed by the Power Agent. After due enquiry, the Registrar has recommended the police to register the case against the petitioner. The petitioner has created the life certificates and had given to the defacto complainant. Therefore, he prays to dismiss the petition.

5. The learned Government Advocate (Criminal side) appearing for the respondent police would contend that this petitioner's father along with others have executed a Power Deed in favour of Madheswaran in the year 2010 and the sale price was also paid at the time of execution of Power Deed itself and thereafter, the said Power holder / defacto complainant sold the property to one Hema Ramanathan. At the time of sale, this petitioner only obtained the life certificates of the deceased persons. Thereafter, on verification, it was found that the persons namely Tirupathi Gounder and Ammasi died prior to the date of sale deed and thereby, the life certificates of the said Tirupathi Gounder and Ammasi were forged by this petitioner and gave it to the defacto complainant. Thereafter, the petitioner along with his father gave a complaint before the Registrar alleging that the Sale



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deed was executed after the demise of the said persons based on the Power

Deed. After due enquiry, it was found that this petitioner has only created the forged life certificates through one Doctor. Therefore, this petitioner has only created the life certificates and the investigation is at initial stage and hence, he strongly opposed to grant anticipatory bail to the petitioner.

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

7. Considering the representations made on either side, considering the nature of offences charged against the petitioner, considering the fact that the allegations as against the petitioner is that he forged the life certificate of deceased persons namely Tirupathi Gounder and Ammasi for execution of sale deed by the defacto complainant in favour of one Hema Ramanathan and even as per the prosecution, already the Power Deed was executed and thereafter, the Sale Deed was also executed, while so, what is the necessary arisen to this petitioner to create forged documents for the sale of the property by the defacto complainant has to be explained by the prosecution, that even according to the prosecution, this petitioner is neither a Signatory of the document nor a party to the document and already the alleged life certificates are available with the concerned



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Registrar office and thereby, there is no any possibility for tampering the evidence and there is civil dispute also pending between the parties and also there is no any previous case pending against the petitioner, hence this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.I, Dharmapuri** on condition that the 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders;

[b] the petitioner 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 petitioner shall not leave India without the previous permission of the Court;



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[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 269 B.N.S.2023.

19.10.2024

[3/3]

mjs

P.DHANABAL,J

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To

- 1.The Judicial Magistrate Court No.I, Dharmapuri
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Kurimangalam Police Station, Dharmapuri District.



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