



Crl. O.P. No.22808 of 2024

Crl. O.P. No.22808 / of 2024

P. DHANABAL.J.,

WEB COPY

The petitioners / Accused-4 & 5, who apprehend arrest in the hand of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 420 r/w 34 of IPC in connection with the Cr. No.6 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the accused have created forged sale deeds in respect of the lands covered under the Sale Deed in Doc. No.646/1959 in the name of the defacto complainant after obtaining Patta No.290 in the name of Padmanabhan and Subramani comprised in Survey No.67/12C14B2 and grabbed the said land and hence the case.

3. The learned Senior counsel appearing for the petitioners would submit that the land to the extent of Acre 0.95 cents allotted to Padmanabha Naicker and Subramani was sold by them to Sunitha Guptha and Anshu Agarwal to an extent of Acre 47.5 cents each under Patta No.290 and the said Sunitha Guptha and Anshu Agarwal had sold the said Acre 0.95 in favour of the petitioner herein vide Patta No.803 and the petitioner has been under continuous possession and enjoyment for the



Crl. O.P. No.22808 of 2024

past 20 years, that the defacto complainant and his family members made a criminal conspiracy to grab the properties, which were already sold by them in the year 1986 and they falsely represented to the revenue authorities by obtaining legal heir certificate and obtained Patta No.792 in respect of Survey No.67/12C14B1 to an extent of 0.87.05 Ares and they have created forged documents by including the other properties, that the petitioners are innocent persons, that they are ready and willing to abide by any condition imposed by this Court and they have already appeared before the respondent police for enquiry and therefore, he prayed to grant anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor would submit that he owns the land in S. No.67/12C14B (Old S. No.67/12) to an extent of 3.36 Acres situated at Krishnan Karanai Village, Thiruporur Taluk, Chengalpattu District and the defacto complainant is in possession and enjoyment of the said land, that originally his predecessors owned total extent of 5.61 Acre in S. No.67/12, in which the petitioner sold 2.25 acre of land to one Vimalammal and she in turn sold the said land to one Prema Krishnan and the said Prema Krishnan sold the aforesaid land to one Jilal Kanna and others in the year 1992 and they sold the said property



Crl. O.P. No.22808 of 2024

to one Anushiya Mukesh and Mukesh Hemdev in the year 2011, that there

is no dispute with regard to the aforesaid 2.25 acres of land, that his family

members had executed a relinquish deed in his favour on 24.05.2023, that

he is the absolute owner of the remaining property to an extent of 3.36

acres, that in the year 2022, he came to know that the accused persons

have forged the documents as if they have purchased the entire 5.61 acres

of land and subsequently, Patta also transferred in their names, that the

intervenor filed an application to cancel the patta, which was transferred in

the names of accused, based on forged and fabricated documents and the

same was allowed, that the original patta was restored in the name of

intervenor and his family members, that this is a clear case of forgery and

fraud and therefore, he lodged a criminal complaint against the accused,

that a Suit in O.S. No.325 of 2022 on the file of Principal Sub Court,

Chengalpattu is pending, that the petitioners, knowing well that their

vendor had purchased only 2.25 acres land from Padmanabhan &

Subramani, have fabricated and forged documents and registered sale deed

in their favour to an extent of 5.61 acres, that these petitioners have played

a key role in the commission of offences and hence he strongly objected to

grant anticipatory bail to the petitioners.



Crl. O.P. No.22808 of 2024

5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner along with other accused have created forged documents after obtaining forged Patta No.290 in the name of Padmanabhan and Subramani and grabbed the land comprised in Survey No.67/12C14B2 in Krishna Karanai Village, Thiruporur Taluk, Chengalpattu District, that there is a civil dispute pending between the parties and investigation is pending 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 fact that these petitioners are the parents of A3, that these petitioners have already purchased the property for an extent of 2.25 Acres and there is no dispute in respect of that extent and the dispute only is in respect of 0.95 cents, that in the said 0.95 cents, these petitioners have not purchased any property, that there is no previous case pending against this petitioners, considering the nature of allegations levelled against the petitioners and also considering the fact that the petitioners have already appeared before the respondent police for enquiry, I am inclined to grant



Crl. O.P. No.22808 of 2024

anticipatory bail to the petitioners, subject to the following conditions:

WEB COPY

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 **Judicial Magistrate Court No.II, Chengalpattu** 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 daily at 10 a.m. for 30 days and thereafter as and when required for interrogation;

[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



Crl. O.P. No.22808 of 2024

trial.
WEB COPY

[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 under Section 269 B.N.S.2023.

20.09.2024
[2/2]

mjs

P.DHANABAL,J
mjs

To

- 1.The Judicial Magistrate Court No.II, Chengalpattu
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, District Crime Branch, Chengalpattu District.



WEB COPY



Crl. O.P. No.22808 of 2024

CRL O.P. No.22808 of 2024

20.09.2024

[2/2]