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Crl.O.P.No.24152 of 2023

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and Crl.M.P.No.17807 of 2023

C.V.KARTHIKEYAN, J.

The petitioners/A1 & A2 seek anticipatory bail in Crime No.19 of 2023 registered by the respondent Police for the offences punishable under Sections 420, 465, 468, 471, 109 and 120(b) of IPC.

2. It is the case of the prosecution that the petitioner herein had created documents to grab a particular pathway when it has been used as the common pathway and also used by the defacto complainant. The entire issue surrounds the land in Pallapatti Village in Salem.

3. It is stated that quite apart from creating documents, the pathway had been taken complete control by the accused and a gate also been put up, preventing ingress and egress to anybody and everybody who had been earlier using the pathway. It is also the allegation that toll had also been collected for passing through the pathway.



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4. The learned counsel for the petitioners pointed out that the First Information Report shows that the entire issue surrounds the interpretation of documents and that the documents are already available and therefore interrogation of the petitioners are not required and therefore anticipatory bail would be granted.

5. The documents which had been created had been declared as fraudulent documents, under Section 77 (A) of the Registration Act. There are no records to show that a further appeal under Section 77(B) of the Registration Act had been filed by the petitioners herein.

6. A specific finding had been given by the District Registrar, who conducted enquiry under Section 77(A) of the Registration Act that the documents which had been executed as Document No.2081 of 2009, cannot be acted upon and no individual can claim any specific rights to the said documents and it had been further declared that consequential documents namely documents registered Nos.274 of 2011, 275 of 2011, 435 of 2011, 1353 of 2013 and 387 of 2014 as cancelled by the authority provided under



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Sections 77(A) of the Registration Act. They are all, as on date void documents. This would only require status quo ante to be restored. But however that is not the situation on the grounds as the passage is today under the control of the petitioners herein.

7.It is very specifically alleged that there is an effort to grab land not owned by the petitioners herein. Since further investigation will have to be done and the circumstances surrounding execution of the documents which had been cancelled, will have be to be conducted and such investigation cannot be done, unless the petitioners are present before the investigating officer and there being no inclination to voluntarily present themselves before the investigating officer, the only option is for the anticipatory bail application to be dismissed. It is accordingly dismissed. Consequently, connected miscellaneous petition is also ordered.

07.03.2024

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