



Crl.O.P.No.24989 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468 and 471 of IPC in Crime No.18 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant one Natchimuthu, lodged a complaint against the petitioners and other accused, stating that the petitioners herein are the sons of his sister one Rajammal, have colluded with other accused perpetrated fraud and created an unregistered Power of Attorney dated 07.01.2002, on a fraudulent stamp paper and by forging the signature of the defacto complainant's father, as if, the defacto complainant's father executed an unregistered Power of Attorney in favour of the said Rajammal in respect of his two acres of land in S.No.102/3C. Subsequently, the said Rajammal, as a power agent of the defacto complainant's father, executed a sale deed in favour of these petitioners on 24.07.2006 vide Document No.3851 of 2006, with the help of other accused, knowing very well that the said property was already conveyed to the defacto complainant through a gift settlement deed on 20.12.2005, by his father. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that



petitioners are innocent and have not committed any offence, as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the defacto complainant is their maternal uncle and due to property dispute, a false complaint has been lodged. He would further submit that there are civil disputes between the parties in respect of the same property and now it is projected as a case of fabrication of documents and cheating. He would further submit that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for the grant of anticipatory bail to the petitioners, submitted that the petitioners and their mother Rajammal colluded with other accused created a forged and fabricated unregistered Power of Attorney for a property of the defacto complainant's father in S.No.102/3C, as if the defacto complainant's father executed the same in favour of Rajammal, who is the sister of the defacto complainant. Subsequently, Rajammal executed a sale deed in favour of these petitioners, whereas, the said property was already conveyed in favour of the defacto complainant by a gift settlement deed by his father. He would further submit that already a civil dispute is pending between



the parties.

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5. Learned counsel appearing for the intervener raised strong objections for the grant of anticipatory bail to the petitioners, by stating that the defacto complainant had filed a civil suit seeking declaration that the sale deed executed in favour of the petitioner herein by Rajammal as null and void and the same has been decreed, against which the petitioners herein had preferred an appeal. He would further submit that the petitioners colluded with other accused had created forged and fabricated documents in order to grab the property of the defacto complainant.

6. Heard the learned counsel for the petitioners, the learned counsel appearing for the intervener, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

7. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking into consideration the fact that civil suit is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



8. 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 II, Salem** on condition that the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, on every Saturday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

19.11.2024

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Note: Issue order copy today (27.11.2024)

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