



Crl.O.P.No.24778 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 34 r/w 420 of IPC in Crime No.3 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons Manogaran, Kumaravel, Shanmugam, Sundhararajan, K.Jayanthi, R.Amutha and Selvi, who are all the Governing Body Members of the Sabari Educational Society have joined together in furtherance to a common intention, had sold two plots in the year 2012 to the *de facto* complainant, suppressing the fact that they had mortgaged the entire extent in favour of Indian Overseas Bank in the year 2011 itself and cheated him. Based on the complaint given by the purchaser, the Crime No.3 of 2018 came to be registered on 31.03.2018 against the owners of the land and the Sub-Registrar, Bahour, petitioner herein. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner, aged about 60 years, is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner, who was working as a Sub-Registrar, Bahour, during the year 2012, based on the documents furnished by the other accused, had registered 99 documents. He also submitted that only later, the petitioner came to know that the main accused had earlier mortgaged the property with the Indian Overseas Bank and the MODT has been registered at the office of the Pondicherry District Registrar and thereby, it did not reflect in the Encumbrance Register at the office of Sub-Registrar, Bahour. He further submitted that after registration of the case, notice was issued to the petitioner under Section 41-A of Cr.P.C and the petitioner has also appeared before the respondent and cooperated for the investigation. However, the petitioner apprehends arrest, thereby, he prayed for grant of anticipatory bail to the petitioner.



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4. Learned Additional Public Prosecutor, Puducherry appearing for the respondent police submitted that the petitioner was working as a Sub-Registrar, Bahour and he, knowing well that the property was mortgaged with the Indian Overseas Bank, had allowed the main accused to register 99 sale deeds. He further submitted that the *de facto* complainant is the one of the victims, who had purchased the property from the accused. He also submitted that the petitioner had not cooperated for the investigation and hence, he opposed for grant of anticipatory bail to the petitioner.

5. In reply, the learned Counsel for the petitioner submitted that now the petitioner was retired, however, due to the pendency of this case, his retirement benefits have been withheld by the Government. He also submitted that the petitioner is ready to appear before the respondent and cooperate for the investigation. He further submitted that the co-accused (A1 to A7) in this case has been granted bail by this Court in CrI.O.P.No.11337 of 2018 vide order dated 23.04.2018. Hence, he sought bail for the petitioner.



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6. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor, Puducherry for the respondent and perused the entire materials available on record.

7. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsel for the petitioner that the petitioner was earlier issued with notice under Section 41 A of Cr.P.C and he had also cooperated for the investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 **learned Chief Judicial Magistrate, Puducherry**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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

**[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Monday at 10.30 a.m., until further orders;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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]**;



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[f] If the accused thereafter absconds, a fresh FIR  
can be registered under Section 229A IPC.

**09.02.2024**

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