



Crl. O.P. No.27378 of 2024

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P. DHANABAL.J.,

The petitioner / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 120B, 420, 465, 468 and 471 of IPC in connection with the Crime No. 27 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the land in Old Pymash No.179, New Survey No. 815/2 of Natteri Village, measuring 2.66 acres, was owned by the de-facto complainant's grandfather, Veeran. After his grandfather's demise, the de-facto complainant's father, Madurai, inherited the property and after his father's death, the de-facto complainant has been in possession of the land. It is the further case of the prosecution that the legal heirs of the late Srinivasan, namely Rajalakshmi (A1) and Narasimman (A2), forged a document and sold 2 acres of land in Survey No. 815/2 to the petitioner through a sale deed dated 29.06.2016. Hence the case.

3. The learned counsel for the petitioner would contend that the



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petitioner is an innocent purchaser and he never committed any offence as alleged by the respondent police and the dispute between the petitioner and the de-facto complainant is purely civil in nature and therefore there is no question of criminality committed by the petitioner. The learned counsel for the petitioner would further contend that the petitioner is an innocent and he would abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the legal heirs Rajalakshmi and Narasimman fraudulently sold 2 acres of land, owned by the de-facto complainant's grandfather and inherited by his father, to the petitioner using a forged sale deed. Hence, he objected to grant anticipatory bail to the petitioner. The learned Government Advocate appearing for the State, however, fairly submitted that there is no previous case pending against the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence involved in this case and considering the fact that there is



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no previous case pending against the petitioner and also taking note of the fact the FIR is of the year 2016 but still the respondent police did not take any steps to secure the accused, I am 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 **learned Judicial Magistrate I, Thiruvannamalai** 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 every Saturday for four weeks;

[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 him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous



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permission of the Court;

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[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.

30.10.2024

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To



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1. The learned Judicial Magistrate I, Thiruvannamalai
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, DCB, Thiruvannamalai District.

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