



Crl.O.P.Nos.27812 and 27857 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 468, 471, 420 and 120(B) of IPC and U/s. r/w.82(d) of Registration Act in Crime No.32 of 2024, on the file of the respondent police, seek anticipatory bail.

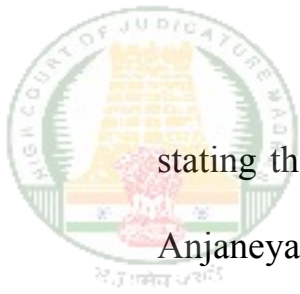
2. The case of the prosecution is that the defacto complainant one Dharmalingam, who is the Managing Trustee of Arulmigu Anjaneya Swamy Temple, Salem, lodged a complaint, stating that his step brother one Jayachandran/ A2 in collusion with A1 -Senthamarai, who is the Joint Sub Registrar - III, Salem West and along with other accused, by means of fabrication of documents, sold the property, which belongs to the said temple, thereby, grabbed the land belonging to the temple. Hence, this case.

3. Learned Senior counsel appearing for the petitioners would submit that petitioners in Crl.O.P.No.27812 of 2024 are the purchasers of the property and the petitioners in Crl.O.P.No.27857 of 2024 are the witnesses to the sale deed of the said property. He would further submit that the defacto complainant and the seller of the property/ A2 are step brothers, their ancestors



had constructed their family temple "Arulmigu Anjaneya Swamy Temple" in 6 cents out of total extent of 1.30 acres of their land. He would further submit that A2 was bequeathed the said property by way of a registered WILL in Document No.11/2003 executed by his father one C.D. Ramalingam, thereby he offered to sell 1.24 acres of land, leaving the 6 cents of land, in which the said temple was situated, to the petitioners in Crl.O.P. No.27812 of 2024 and the petitioner had purchased the property under two sale deeds registered on 04.06.2024 for a sale consideration of Rs.4.26 crores. He would further submit that the petitioners are bonafide purchasers and paid several crores to A2, who is the step brother of the defacto complainant and the defacto complainant in order to grab the entire property had lodged this false complaint. He further submitted that the entire case is borne out by records and the petitioners are ready to produce solvent sureties and to show their bonafide, they are ready to deposit the original sale deeds relating to the property to the credit of Crime Number before the learned Magistrate concerned. He would further submit that the petitioners in Crl.O.P.No.27857 of 2024 are only witnesses to the sale deeds and they are not beneficiaries, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioners



stating that the defacto complainant is the Managing Trustee of the Arulmigu Anjaneya Swamy Temple, Salem and administrator of the properties belonging to the temple, based on a Power of Attorney executed by one C.D. Gopal. He would further submit that A2 - Jayachandran, who is the step brother of the defacto complainant had colluded with A1-Senthamarai, who is Joint Sub Registrar-III, Salem West sold the temple property of 1.24 acres to accused 4 to 6, by fabricating the documents and the accused 7 and 8 have stood as attesting witnesses to the sale deeds. He would further submit that the investigation is still pending.

5. Learned counsel appearing for the intervener raised strong objections for grant of anticipatory bail to the petitioners stating that A2 - Jayachandran in collusion with A1-Senthamarai, who is Joint Sub Registrar-III, Salem West and other accused, by fabricating the documents, sold the temple property of 1.24 acres to accused 4 to 6.

6. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police, the learned counsel appearing for the intervener 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 also taking note of the fact that the petitioners are ready to deposit the original sale deeds related to the purchased property along with an undertaking affidavit, that they will not create any encumbrance over the said property or alienate the same, 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 petitioner in Crl.O.P. No.27812 of 2024 is directed to deposit the original sale deeds relating to the property, alleged to be the temple property to the credit of Crime No.32 of 2024 and to file an affidavit of undertaking before the Judicial Magistrate concerned, that he will not create any encumbrance over the said property or alienate the same** and all 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:



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[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 three weeks and thereafter, every Saturday at 06:30 p.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.

13.11.2024

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Note: Issue order copy today (27.11.2024)



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