



Crl.O.P.No.1160 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 468, 471, 420, 120(B) and 506 (ii) of IPC, in Crime No.1 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused have conspired together and cheated the *de facto* complainant by creating a fake sale deed and by impersonating the *de facto* complainant, sold the properties of the *de facto* complainant. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioners, who are arrayed as A9 & A10, are respectively the witness to the document and the Document Writer, who had prepared the alleged document on the instructions of Broker (A5) and the purchaser (A7). He further submitted that the petitioners have not conspired with the main accused and other than signing the document as a witness and preparing



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the document, the petitioners have nothing to do with the alleged offence and they have not got any benefit in the transaction.

4. The learned counsel for the petitioners further submitted that the District Registrar has already cancelled the alleged sale deed and on the earlier occasion, the purchaser of the property (A7) had given an undertaking that he will not claim any right over the property, subsequently, he did not turn up before this Court, thereby, this Court had dismissed the earlier anticipatory bail application. He also submitted that accused 5 and 7, who are respectively the broker and the purchaser of the property have passed away. He further submitted that the petitioners have been issued with notice under Section 41-A of Cr.P.C for enquiry. He also submitted that the allegations are borne out by the documentary evidence, thereby, the custodial interrogation of the petitioners may not be required in this case. He further submitted that the petitioners are ready to co-operate the respondent with the investigation. Hence, he sought for grant of anticipatory bail to the petitioners.



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5. Learned Government Advocate (Criminal Side) submitted that the accused had conspired together and cheated the *de facto* complainant by creating a fake sale deed and they have also regisered another sale deed by impersonating the *de facto* complainant. He further submitted that subsequent to the purchase, the accused have also removed the huge amounts of minerals from the land. He also submitted that so far as the petitioners are concerned, the first petitioner (A9) is a witness to the document and the second petitioner (A10) is a Document Writer. He further submitted that pursuant to the direction issued by this Court in CrI.O.P.No.1795 of 2023 vide order dated 20.12.2023, further investigation is also going on in this matter and notice have also been issued to the petitioners under Section 41-A of Cr.P.C for enquiry. However, he opposed for grant of anticipatory bail to the petitioners.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the materials available on record.



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7. It is seen that the allegation against the petitioners is that the first petitioner is the witness to the document and the second petitioner is the Document Writer. Thereby, taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on both sides, this Court is of the view that the custodial interrogation of the petitioners may not be necessary. Thereby, 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 No.VI , Coimbatore**, on condition that the petitioners shall execute separate bond each 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 stands dismissed and on



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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 Monday and 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]**.



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

26.03.2024

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