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Crl.O.P.No.28430 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A13 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 420 of IPC in Crime No.558 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was married to one Bhavanishankar in the year 1966. He had a relationship with another lady Indirani. Two children were born to them namely, Balaji and Baby. Bhavanishankar died on 06.06.2013. It is stated that after his death, Indirani obtained a false legal heirship certificate mentioning herself and her son Balaji as the only legal heirs by omitting the defacto complainant. It is under those circumstances, the complaint had been lodged since subsequently, the said accused / Indirani, Balaji and Baby had sold the property by way of two sale deeds on 07.03.2016 and 13.12.2019. The present petitioner, is the Sub-Registrar at



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Vaniyambadi, who had registered the said sale deeds. It is stated that the defacto complainant had raised objections even at the time of registration that the legal heirship certificate produced was forged and should not be the basis for accepting the registration of sale deeds.

3. Quite independently of this, complaints were also given to the District Registrar and also further to the Deputy Inspector General of Registration. Both those officials had noted that the sale deeds had been registered on the basis of a Will executed by Bhavanishankar and therefore, the legal heirship certificate was not the basis for registration of the sale deeds.

4. In view of that particular fact, since it is evident that this petitioner had registered the sale deeds on the basis of a Will, which was actually registered, this Court is inclined to grant anticipatory bail to the petitioner and with certain conditions:

5. 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



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Judicial Magistrate, Vaniyambadi, 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 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 petitioner 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 petitioner shall report before the respondent police weekly once i.e., on every Monday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[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.



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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 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]**.

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

21.02.2024

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