

CRL.O.P.No.13164 of 2016**S.VAIDYANATHAN,J.**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 471, 294(b) & 506(i) I.P.C. in Crime No.8 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners, learned Government Advocate (Crl. Side) for the respondent police and the learned counsel appearing for the Intervenor.

3. The case of the prosecution is that the petitioners grabbed the land belonging to the defacto complainant and when the defacto complainant demanded the petitioners to return the property, they abused him.

4. Contending that the case of the prosecution is absolutely false, learned counsel for the petitioners submitted that one Murugesu Udaiyar, who owned 20 cents of land, had three sons viz. Thangavel, Venu and Renu. The father of the petitioners, Annamalai is the son of Venu. The defacto complainant's mother is the sister of Annamalai. The father of the petitioners, i.e. Annamalai acquired 15 cents of land from his father, i.e. Venu and the petitioners derived the title from their father Annamalai. According to the learned counsel, the defacto complainant has no right or title over the said land and the Revenue Records also stand in the name of the father of the petitioners, Annamalai. In all, learned counsel for the petitioners submitted that there is no offence made out in the complaint.

5. Learned counsel for the Intervenor submitted that the petitioners wantonly cheated the defacto complainant by creating forged documents and mutated patta in their favour. He vehemently objected to grant of anticipatory bail to the petitioners.

6. Learned Government Advocate (Crl. Side) submitted that investigation is going on in this case.

7. As the matter pertains to a civil dispute, I am of the view that custodial interrogation of the petitioners is not required for the present. **Hence, I am inclined to grant anticipatory bail to the petitioners.** Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruvannamalai**, subject to the following conditions:

(i) each of the petitioners 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;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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]**.

8. It is made clear that this order will not preclude the respondent police from investigating the matter on day-to-day basis and in case, forgery is established, they can proceed with the matter further.

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