



Crl.O.P.No.14723 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 147, 417, 471, 468, 420 and 506(i) of IPC in Cr.No.142 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint alleging that the property situated at Kosamudram Vollage, in Patta No.570, totally 1 acre 1 cent has been purchased by the defacto complainant's father for a valuable consideration from one Devaraman and they were in the possession of the said land for about more than 44 years. After their demise, the defacto complainant and his sister inherited the said property as legal heirs of their parents. While that been so, the 1st petitioner created forged document by way of changed her name in Aadhar Card and executed the settlement deed in favour of her sons, who are the 2nd and 3rd petitioners herein and taking advantage of the said deed, the 4th petitioner one Sakthivel, further alienated the said

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property in the name of 5th accused. Having acquired knowledge of the same, the complaint has been given by the mother of the defacto complainant before the Land Grabbing Cell. Thereafter, she was died, due to ill health. Being legal heirs of the deceased, the defacto complainant and his sisters often approached the police officials and all the attempts went in vain. While that been so, the petitioners trespassed into the said land and given life threats to the defacto complainant and his sisters, which constrained him to file private complaint and obtained in the same. After direction from jurisdiction Magistrate FIR has been registered as against the petitioners and A5.

3. The learned counsel appearing for the petitioners submitted that the petitioners are not involved in the said offence and already a civil suit is pending before the learned Sub Judge, Krishnagiri in O.S.No.213 of 2020, filed by the defacto complainant and his mother regarding the said property. After demise of his mother, now created a false complaint as against the petitioners. He further submitted that the defacto complainant alone made quarrel with the petitioners and the petitioners



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never disturbed or trespassed into the subject property. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that 1st petitioner changed her name in the Aadhar card and created forged documents for executing the settlement deed in favour of 2nd and 3rd petitioners herein. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that the 1st petitioner have claimed the said property by way of sale deed registered in the year 1977 dated 04.05.1977 in Patta No.570. Thereafter, the 1st petitioner herein executed the settlement deed in favour of the 2nd and 3rd petitioners. In turn they executed the sale consideration in favour of the 5th accused. The defacto complainant filed a suit for declaration and also injunction in O.S.No.213 of 2020 before the learned Sub Judge, Krishnagiri. Further the defacto complainant has declined to grant any interim injunction in respect of subject property. After a period of one year from now, the second



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complaint has been lodged as against the petitioners on the allegation that the 1st petitioner fabricated the Aadhar Card as if she is the wife of one Veerappan. After demise of the said Veerappan she executed the settlement deed in favour of the A2 to A4.

6. That apart, the property was purchased in the name of the 1st accused and it is not the case of the petitioners that the said property belongs to said Veerappan and after his demise, it was settled in favour of the A2 to A4. Therefore, custodial interrogation of the petitioners is not required in this case.

7. Therefore, Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

2. 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



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the learned Judicial Magistrate, Edappadi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 learned Judicial Magistrate, Edappadi, concerned, failing which, the petition for anticipatory bail shall stand dismissed and on 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 appear before the respondent police, as and when required for interrogation.

[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.



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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 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.

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