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CrI.O.P.No.16685 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 120B, 420 and 506(i) IPC in Crime No.129 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the fourth petitioner is the mother of the defacto complainant had settled the property in Survey No.225/3 in the year 2010 and later without knowledge of the defacto complainant, the first petitioner stolen the Settlement Deed and cancelled the same in the year 2011. Thereafter, the fourth petitioner alleged to have given power to one Kandasamy and sold the property to the second petitioner, who is the wife of the first petitioner had forged the signature of the defacto complainant as witness, when the defacto questioned about the said activity, the petitioners assured that they will return the property but till 2016, they have not returned the said property. While that being so, the petitioners along with ten others came to the house of the defacto



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complainant and threatened her that she should not ask about the property.

Thereafter, again on 06.03.2022 at about 11.00 a.m the petitioners alleged to have brought in people to sell the property and when the defacto complainant questioned it, they given life threat and assaulted her. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and nothing to do with the alleged offences. He further submitted that in order to grab the property, the defacto complainant lodged a false complaint as against the petitioners and the defacto complainant had lodged the same complaint before the Superintendent of Police and the same was closed as 'civil in nature'. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners and along with ten others in order to grab the property, threatened and assaulted the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances and also taking note of the fact that custodial interrogation of the petitioners do not required in this case, therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Paramathi, 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 Magistrate 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



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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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

19.07.2022

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