



Crl.O.P.No. 16819 of 2022

WEB COPY

Crl.O.P.No. 16819 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 408, 406, 477A, 465 and 120(B) of IPC in Crime No.125 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners and the defacto complainant are relatives. The defacto complainant's father is the founder of the University under the name and style of 'Sri Balaji Society'. After his demise, there was a property dispute between the family members. That apart, the FIR has been registered on the direction u/s.156(3) of Cr.P.C issued by the Judicial Magistrate No.II, Mannargudi.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant's father is the founder



CrI.O.P.No. 16819 of 2022

WEB COPY

of the University under the name and style of 'Sri Balaji Society'. After his demise, there was a property dispute between the family members. Based on the direction under Section 156(3) of Cr.P.C issued by the Judicial Magistrate No.II, Mannargudi, an FIR has been registered. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioners is not required, 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 is made ready, before the learned Judicial Magistrate No.II, Mannargudi, Tiruvarur, on condition that the petitioners shall execute a separate 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



CrI.O.P.No. 16819 of 2022

WEB COPY

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 report 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

Lpp



WEB COPY



CrI.O.P.No. 16819 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

CrI.O.P.No. 16819 of 2022

19.07.2022