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Crl.O.P.No.20768 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468 and 471 of IPC in Crime No.134 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners joined together fabricated the documents and attempted to grab the Anadheenam lands in S.Nos.219/3 and 219/4 in Cheyyur Village. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have been in the enjoyment of the lands in S.Nos.219/3 and 219/4 in Cheyyur Village and they have applied to the Government and A1 had issued NOC. Based on which, they have been enjoying the property, whereas later, it came to light that the A1 had cheated the petitioners and gave fabricated documents. He would further submit that



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the petitioners are innocent persons and the case of the prosecution is born out by the documents and the patta's granted to the petitioners have also been cancelled. He would further submit that the petitioners have also filed an appeal as against the cancellation of patta's and the petitioners are prepared to appear before the respondent police for investigation and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that petitioners along with A1, who is the Tahsildhar, by fabricating the documents attempted to grab the Government lands in S.Nos.219/3 and 219/4 in Cheyyur Village which is classified as Anadheenam lands. He would further submit that investigation is pending and he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels. Taking into consideration the fact that the case of the prosecution is born out by documents and the patta's granted in favour of the petitioners have also been cancelled, this Court



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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, Cheyyur, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.



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

16.09.2022

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