



Crl.O.P.Nos.21025 & 21027 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 420, 465, 468, 471 & 511 of IPC in Crime No.650 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the land comprised in survey Nos.451/8, 452/1, 452/11A, 452/1C of an extent of 1.25 acres was originally owned by the defacto complainant's great grandfather i.e. Doraisamy and after his demise, his son i.e. Velu inherited the property and patta was also issued in his name. After the demise of the said Velu, his son i.e. Venkatachalam inherited the same and did cultivation works. After his demise, his son i.e. defacto complainant and another inherited the property and are doing cultivating activities in the land. In that situation, the petitioners who are the legal heirs of one, Velu S/o Munusami entered into a deed of partition in document No.1077 of 2019 dated 14.09.2019 utilizing the name similarity as though the said land belongs to their grandfather Velu S/o Munusami and also obtained patta in the name of



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their grandfather i.e. Velu S/o Munusami instead of Velu S/o Doraisami, who is the original owner of the property.

3. It is seen that there are totally five accused, in which the petitioners are arrayed as A1 to A5. Utilising the name of their grandfather which is one and the same as the name of the defacto complainant's grandfather, the petitioners executed partition deed among themselves in respect of the subject property. Now the learned counsel for the petitioners submitted that after getting knowledge about the same, immediately on 26.07.2022, partition deed was cancelled and also cancelled the patta issued in favour of the subject property.

4. Therefore, custodial interrogation of the petitioners does not require in this case and this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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



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from the date on which the order copy made ready, before the learned Judicial Magistrate, Arni, on condition that each of the petitioners shall execute a separate 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, 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] petitioners 1 & 2 in Crl.OP.No.21027 of 2022 alone shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation; petitioners 3 & 4 in Crl.OP.No.21027 of 2022 and the petitioner in Crl.OP.No.21025 of 2022 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.



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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 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.

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