



Crl.O.P.No.22256 of 2022

Crl.O.P.No.22256 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 467, 468, 471, 420 and 120B r/w 34 of IPC in Crime No.15 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused, by forging the signatures of the uncle Kumar Kesavan and aunty Kumar Saraswathy of the de-facto complainant, prepared forged Will and Settlement Deed in respect of their property and sold it to different persons. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the respondent has issued notice for appearance under Section 41-A Cr.P.C. The petitioner, due to his ill-health, was unable to appear before the respondent Police and he has also sent a representation seeking for extension of time. He would further



CrI.O.P.No.22256 of 2022

WEB COPY

submit that the petitioner never prepared any forged documents and he is a senior citizen and unable to appear before the respondent Police for enquiry. He would also submit that the entire case of the prosecution is borne out by the documents and custodial interrogation of the petitioner is not required. Hence he prays for grant of anticipatory bail to the petitioner.

4.The learned Public Prosecutor (Pondicherry) appearing for the respondent Police would submit that the petitioner, along with other accused, by forging the signatures of the uncle Kumar Kesavan and aunty Kumar Saraswathy of the de-facto complainant, prepared forged Will and Settlement Deed and sold the property belonged to the defacto complainant. He would further submit that the petitioner is the main accused who has prepared the fabricated documents. A notice under Section 41-A Cr.P.C was given to the petitioner and he failed to appear before the respondent Police for investigation. He would also submit that the arrested accused have also been enlarged on bail. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.22256 of 2022

WEB COPY

5.Heard both the learned counsels and perused the materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is ready to submit himself for investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Karaikal on condition that the petitioner shall execute a 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:



WEB COPY



CrI.O.P.No.22256 of 2022

[a] the petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of three weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner 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]**;



Crl.O.P.No.22256 of 2022

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

15.09.2022

vkrr

A.D.JAGADISH CHANDIRA, J.

Page 5 of 6



WEB COPY



Crl.O.P.No.22256 of 2022

vk

Crl.O.P.No.22256 of 2022

15.09.2022