



Crl.O.P.No.23630 of 2022

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WEB CO **T.V.THAMILSELVI,J**

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 468, 471, 420 of IPC r/w Section 34 of IPC in Crime No.04 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is owning a house at Govindasalai, Puducherry in Plot Nos.9 and 10 in T.S.No.79 'G' block in the year 2006 and she is living separately from her husband with her two daughters. The defacto complainant's husband, who is arrayed as A1 has executed a settlement deed in respect of her property in favour of his brother/A2 by making false statement that the defacto complainant died leaving him and her daughters as legal heirs. Hence the complaint.

3.The learned counsel for the petitioner would submit that already the petitioner was inclined to execute the settlement deed in favour of the defacto complainant. In the meanwhile, another FIR was



CrI.O.P.No.23630 of 2022

also lodged against him, based upon the proceedings of the District Registrar. He would further submit that the the petitioner is ready to co-operate with the respondent for investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Public Prosecutor (Pondicherry) would submit that fraudulently he executed settlement deeds in Doc.No.5396/2012 dated 30.11.2012 and Doc.No.1453/2013 dated 27.03.2013 registered in Sub-Registry, Oulgaret, in respect of the property belongs to the defacto complainant's family and as per the proceedings of the District Registrar, the said document is a forged document and it has been declared as fraudulently registered. Thereafter, he was charged for the offence under Sections 468, 471, 506(ii) of IPC r/w Section 34 of IPC in Crime No.33 of 2021 and this Court had earlier granted interim bail in Crime No.33 of 2021 on 25.01.2022. Now as per the proceedings of the District Registrar, another FIR in Crime No.4 of 2022 was lodged for the offence under Sections 468, 471, 420 r/w Section 34 of IPC was registered and the said document has already been cancelled. More over, the said document was executed in the year 2006 and the investigation is almost



CrI.O.P.No.23630 of 2022

completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record.

6.Considering the facts and circumstances of the case and also of the submissions made by the learned counsel as investigation almost completed, this Court is inclined to grant anticipatory 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, Puducherry**, on condition that the petitioner shall execute a 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



CrI.O.P.No.23630 of 2022

condition that:

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[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 on every Monday and Friday at 10.30 a.m., for a period of four weeks.

[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]**.

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

09.11.2022

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Crl.O.P.No.23630 of 2022

T.V.THAMILSELVI,J

vkr

Crl.OP.No.23630 of 2022

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