



Crl.O.P.No.23479 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 465, 467, 468 and 471 IPC in Crime No.4 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that A1 executed a settlement deed in favour of A2 in respect of government poramboke land and thereby, by fabricating the documents, they attempted to knock the government property. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has falsely implicated in this case. He had attested the document since, he was asked to stand as a witness to the document before the Sub-Registrar Office. Other than that, he has nothing to do with the alleged transaction. He would further submit that the petitioner is not a beneficiary to the transaction and he has been unnecessarily roped into this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that A1 executed a settlement deed in favour of A2 in respect of government property. Thereby, they attempted to grab the property belonging to the Government. He would submit that the petitioner stood as a witness to the document. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the fact that the petitioner is only a witness to the document and not a beneficiary in the transaction, 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 Court, Thiruvavur 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:

[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 two weeks and thereafter, on 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]**.



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

31.10.2022

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