



Crl.O.P.No.23569 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 468, 471, 420, 109 IPC in Crime No.13 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, sister of the petitioners is that the petitioners by fabricating the legal heir certificate, deleted the name of the defacto complainant and sold the ancestral property to the third parties. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are younger brothers of the defacto complainant and they are senior citizens. He would submit that the documents were prepared by A4 and A5 through brokers. Believing their words, the petitioners have signed the documents. Later, they came to know that the other legal heirs were left out in the transaction. He would also submit that the property was sold for 22.5 Lakhs and even, if a share is allotted to the defacto complainant, she would be entitled to 3.75 Lakhs.



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Therefore, the petitioners, without prejudice to their rights, they are ready and willing to deposit a sum of Rs.4,00,000/- to the credit of crime No.13 of 2022 and submitted that they have no objection in the amounts being released in favour of the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners by fabricating the legal heir certificate, deleted the name of the defacto complainant and sold the ancestral property to the third parties. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners shall jointly deposit a sum of



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Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.13 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Sendhamangalam on condition that 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 jointly deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.13 of 2022, within a period of two weeks from the date on which the order copy made ready.

[c] In the event the defacto complainant files a petition for



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withdrawal of the amount deposited in Crime No.13 of 2022, the learned Magistrate shall disburse the same to the defacto complainant.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

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