



CrI.O.P.No.28607 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 417, 420, 467, 468, 471 of IPC in Crime No.264 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Savarimuthu is that the petitioners by fabricating the patta had encumbered the property belonging to the defacto complainant by executing a sale deed and mortgage deed in favour of the relatives/within the family members. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the owners of the property and they are in possession for long period of time. In respect of the very same property, suits are pending before the Sub Court, Ulundurpet. The case of prosecution is borne out by documents. It is not the case, the properties were sold to the third parties/relatives. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the fabrication of documents have been created and encumbered over the property



and settled the property among the family members. He would submit that the suits are pending between the parties and investigation is pending.

5. Considering the submissions and on perusal of the materials, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of two weeks from the date on which the copy of the order is made ready, before the Judicial Magistrate No.I, Ulundurpet, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 report before the respondent police daily at 10.30am until further orders.



[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

24.11.2022

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