



Crl.O.P.No.29912 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 474 of IPC in Crime No.20 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant owned a land in S.No.1425/2 and S.No.1429/3 to an extent of 2.60 acres situated at Thaiyur B Village, Thiruppporur Taluk, Chengalpattu District, which was originally owned by his father. After the death of his father, the defacto complainant and his family members had acquired the same by way of succession and inheritance, but, the third petitioner created forged documents and executed settlement deed by the 1st petitioner in favour of 2nd petitioner on 24.09.2020 vide Doc.No.8804 of 2020 on the file of Sub-Registrar, Thiruporur, Chengalapattu District .Hence, the defacto complainant made this complaint before the respondent police for forging documents and grabbed his property. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the



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petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners have grabbed the defacto complainant's property by forging documents. Hence, he would vehemently oppose to grant anticipatory bail to the petitioners.

5. It is seen that already a civil suit is pending between the parties. In fact, the petitioners already filed a writ petition in WP.No.18720/21 and this Court vide order dated 14.09.2021 disposed of the writ petition. The status report filed by the respondent police states that the respondents are not aware about the civil proceedings pending for the same subject matter. The petitioners have not produced the same to the official respondents. Further, it is seen that the respondents 1 to 3 undertake not to interfere with the civil dispute between them. Even then, now the respondent has registered the FIR.

6. Taking into consideration the facts and submissions made by



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both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***learned Judicial Magistrate-II, Chengalpattu, Chengalpattu District*** on condition that the petitioners shall execute separate bonds 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 1 and 2 shall report before the respondent



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police as and when required for interrogation and the petitioners 3 and 4 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

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