

Crl.O.P.No.30193 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 423, 465, 467, 471 IPC read with Section 82(d) of Indian Registration Act, 1908 in Cr.No.38 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner is said to be owner of the disputed property has sold the property to the mother of the defacto complainant. After her demise, the second petitioner created forged documents and settled the said property in favour of the first petitioner. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioner has filed a suit in O.S.No.31 of 2022 before the Principal Sub Court, Tindivanam against the defacto complainant and the same is pending. Hence, he prays to grant anticipatory



bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) raised objections stating that the same property which was already sold to the defacto complainant's mother was again settled in favour of the first petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there is a civil suit pending between the parties, there is no possibility of absconding. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 of receipt of a copy of this order, before the **Land Grabbing Special Court, Villupuram District** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Twenty 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner shall report before the respondent police every Wednesday at 10.30 a.m. for a period of three months and thereafter, appear before the trial Court on all hearing dates and the second petitioner shall appear before the respondent police 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 anticipatory 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]*; and;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

08.12.2022

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