



Crl.O.P.No.31987 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 423, 467, 468 and 471 of IPC, in Crime No.32 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Santha is that the land comprised in Survey No.266/3 in new Survey No.38/15, Mayilam Village was allotted by the Government through DKT09/86, Patta No.653 to her father and in the year 1977, her father had executed a settlement deed for about 48 cents in her favour, whereas, the remaining 98 cents was not sold to anybody. Even after the demise of the de-facto complainant's father, she did not made any attempt to transfer patta of remaining land in her name, while so, the accused by impersonating and by creating fake documents sold the said property. Hence the case.



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3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been lodged as against the petitioner. He further submitted that the petitioner has purchased the property for a valid consideration from his vendor on 28.04.2015. He also submitted that after purchasing the land, the petitioner duly changed all the revenue records in his name and from the date of purchasing, he is having the absolute title and possession of the property and he has produced all the documents for the same. He also stated that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with the other accused by impersonating and by creating the forged documents, had grabbed the land belongs to the de-facto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the documents produced by the petitioner.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the fact that there is no possibility of tampering the evidence, 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 Land Grabbing Cases Court, Villupuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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,



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failing which, the petition for anticipatory bail shall stands dismissed and on further condition that:

[a] 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 on every Wednesday at 10.30a.m. for a period of three months and thereafter, as and when required for interrogation;

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

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