



CrI.O.P.No.4012 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 423, 465, 467, 468, 471, 506(ii) of IPC and Section 81 of the Registration Act-1908, in Crime No.05 of 2023, seek anticipatory bail.

2. There are totally six accused involved in this case and these petitioners are arrayed as A1 to A6. The case of the prosecution is that the petitioners joined together had executed a sale deed with release deed dated 27.09.2007 over the ancestral property of defacto complainant. Subsequently, the same was questioned by the defacto complainant and for which the petitioners have abused with filthy language and threatened life will be evaded if demands for property. Further during his life time of father has not executed any intestate over the ancestral property. Based on the complaint preferred by the defacto complainant, the FIR had been registered against these petitioners.



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3.The learned counsel appearing for the petitioners would submit that the petitioners are permanent resident of the above address and they are the law-abiding citizen and have not involved in any offence as alleged by the respondent. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that these petitioners are arrayed as A1 to A6. The case of the prosecution is that the petitioners joined together had executed a sale deed with release deed dated 27.09.2007 over the ancestral property of defacto complainant. Subsequently, the same was questioned by the defacto complainant and for which the petitioners have abused with filthy language and threatened life will be evaded if demands for property. Further during his life time of father has not executed any intestate over the ancestral property. Based on the complaint preferred by the defacto complainant, the FIR had been registered against these petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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

6.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.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 No.II, Villupuram** on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties (out of which one surety must be a common surety) 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:

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[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, 2, 4 to 6 shall report before the respondent police as and when required; the 3rd petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of six weeks and thereafter as and when required for interrogation;

(c)the petitioners are directed to file an undertaking affidavit before the trial Court that they will not create any encumbrance or alienate over the property.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f) 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



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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]***; and;

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

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