

CrI.O.P.No.4266 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Section 465, 468, 471 and 420 of IPC in Cr.No.16 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/A1&A2 had created forged documents and received patta for the land belong to one Mr.Kumar, bearing survey number 194/3B. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) appearing for the respondent submits that the defacto complainant is Tahsildar. The petitioners/A1&A2 had created forged documents and forged the signature of the defacto complainant and obtained Patta based on the above said forged documents for the land belong to one Mr.Kumar, bearing survey number 194/3B. He further submitted that the revenue official conducted the enquiry and cancelled the patta. Hence, he vehemently oppose to grant



anticipatory bail to the petitioners.

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5. Considering the fact that the property was assigned to the petitioners based on the Natham patta on 27.02.1996. Thereafter they have put up a construction and residing in the said property. Further, the house tax receipt and water tax receipt have also been produced. Since they are in the possession and enjoyment of the property, there is no possibility of tampering the evidence. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are ordered to be released on anticipatory 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 learned *Judicial Magistrate Thirukazhukunram* on condition that 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 shall be a blood 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 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;

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(b)the petitioners shall report before the respondent police every Wednesday at 10.30 a.m. for a period of eight 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

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