



Crl.O.P.No.5271 of 2023

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Crl.O.P.No.5271 of 2023 and Crl.M.P.No.4107 of 2023

C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406,420,468 of IPC in Crime No.19 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that a dispute between the brother and sister. The Defacto-complainant being sister has alleged that the petitioner/accused had forged a WILL and tried to take away the property. When the defacto-complainant questioned about the property, the petitioner has sent death threats to the defacto-complainant. Hence, the complaint.

3. The learned counsel for the petitioner stated that the allegations alleged by the defacto-complainant are concocted story and incorrect and only with a sole intention to harass the petitioner for want of unjust enrichment. Further contented that the Sections 406,420,468 of IPC has not been made out as against this petitioner. Hence, he prays for grant of anticipatory bail.



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4. It is stated by the learned Government Advocate (Criminal Side) that a civil suit in C.S.No.73 of 2022 for partitioning the property is still pending and referred to mediation. He further stated that the Crl.OP.No.6638 of 2023 had also been filed by the petitioner herein seeking interference of the further investigation in FIR in Cr.No.19 of 2023. He further stated that this Criminal Original Petition has been pending from march 2023. Hence, he vehemently opposed to grant of Anticipatory Bail to the petitioner.

5. In these circumstances, this court in view that the present Petitioner/Accused is neither co-operating with the investigation nor appearing for investigation and had also effectively prevented then investigation from proceeding further consequent to filing the application to quash the FIR. It is not a healthy statement of affairs. It is also stated that the petitioner had expressed intention to enter into compromise and for that purpose the matter can be referred to mediation. I am not able to understand as to how mediation could affect either the order granting Anticipatory bail or refusing to grant Anticipatory Bail. That may have an impact on the final out come of further investigation.



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6. Taking into consideration of the relationship of the parties, this Court is inclined to grant anticipatory bail to the petitioner, however directing the petitioner to hand over the original WILL, which is alleged to have been forged to the respondent police. It should be handed over within a period of two weeks from the date of receipt of copy of this order. On the basis of signature found in the WILL and on the basis of specimen signature of the testator, let the investigation to that extent alone continue. Every other aspect of investigation shall be bound in accordance with the directions of the application filed to quash the FIR.

7. The petitioner is also directed to appear before the respondent police till he hand over the original WILL to the respondent police. If the petitioner does not hand over the copy of the WILL within a period of two weeks outer time limit granted to him, then the respondent and at liberty to file an application for cancellation of this order.

8. 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



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Judicial Magistrate No.IX, MM Court, Saidapet, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 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 appear before the respondent police daily at 10.30 a.m., until he handed over the original WILL to the respondent police.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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