



Crl.O.P.No.6514 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 467, 468, 471 and 420 of IPC, in Crime No.63 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Gurumoorthy, who is the Sub Registrar (incharge) Jolarpettai is that, one Govindan has got two wives and he has got two children born through his 1st wife. Further, the said Govindan has got 3 sons born through his 2nd wife. While so, the said Govindan's 2nd wife and her sons/the petitioners herein, by suppressing the fact that the said Govindan has got 1st wife and 2 children born through his 1st wife, had obtained a legal heirship certificate and based on which, they have also transferred the Patta and registered the same. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in



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this case. The petitioners are the 2nd wife and sons of the said Govindan and that they were not aware of the earlier marriage of the said Govindan. He would further submit that it is now claimed that the said Govindhan was earlier married to one Lingammal and due to a civil dispute, a false complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the 1st petitioner is the 2nd wife and the petitioners 2 to 4 are the sons of one Govindan and that they transferred Patta and registered the same based on the legal heirship certificate, which was obtained by suppressing the fact that the said Govindan has got 1st wife and 2 children born through his 1st wife. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.



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6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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.I, Thirupathur**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter every saturday at 10.30 a.m., for a period of four weeks.

[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 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.

30.03.2023

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