



Crl.O.P.No.7531 of 2023

Crl.O.P.No.7531 of 2023

WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehends arrest for the alleged offences under Sections 420, 468 and 471 of IPC in Crime No.30 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Ashok Kumar, Tahsildar, Pennagaram Taluk is that the accused, by furnishing a false information, had obtained legal heir certificate, death certificate and no objection certificate, based on that, they have also registered several documents. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners, who are the poor agriculturalist, are innocent person and a false complaint has been given against them. He would further submit that the petitioners have not registered any documents sofar and they have been unnecessarily harassed by the Revenue Department officials. Hence, he prayed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.7531 of 2023

WEB COPY

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners, by furnishing false information to the defacto complainant, had obtained legal heir certificate, death certificate and other revenue records. He would further submit that summons have been served on the petitioners and they have not co-operated for investigation. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, 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 District Munsif cum Judicial Magistrate, Pennagaram, Dharmapuri District, on condition that the petitioners shall execute a separate 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 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 shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



CrI.O.P.No.7531 of 2023

[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;

13.04.2023

vkr



WEB COPY



Crl.O.P.No.7531 of 2023

A.D.JAGADISH CHANDIRA, J.

vkr

Crl.O.P.No.7531 of 2023

13.04.2023