



Crl.O.P.No.11209 of 2023

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V.LAKSHMINARAYANAN. J.,

The petitioners, who apprehend arrest for the alleged offences under Sections 420, 465, 468 and 471 of IPC in Cr.No.8 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that in the year 1999, the father of the petitioners obtained land from Munusamy and Sivaraj. Thereafter, patta was issued by Revenue Authorities in favour of him. At this juncture, the petitioner Nos.1 to 3 herein created a forged patta and using the same executed a settlement deed. Thereafter, the petitioner Nos.1 to 3 executed a gift deed in favour of the 4th petitioner in the year 2021. Aggrieved by the same, the defacto complainant lodged a complaint before the respondent police. Hence, the case.

3.The learned counsel appearing for the petitioners submit that the petitioners are innocent, hailing from a very respectable family, law abiding citizens and have not committed any offence as alleged by the



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prosecution. He would further submit that they have been falsely implicated in this case and however, they are ready to furnish substantial sureties and any conditions to be imposed by this Court for grant of anticipatory bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submits that there is a civil dispute between the parties to the case and the petitioner Nos. 1 to 3 herein created a forged patta and using the same executed a settlement deed. Thereafter, the petitioner Nos.1 to 3 executed a gift deed in favour of the 4th petitioner. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case that there is a civil dispute between the parties to the prosecution case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate No.I, Vellore*** on condition that the petitioners shall execute a separate bond each 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner / accused No.4 shall report before the respondent police daily at 10.30 a.m. for a



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period of four weeks and thereafter as and when required for interrogation and the petitioners / accused person Nos.1 to 3 shall report before the respondent police as and when required for interrogation;

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

(e) the petitioners 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 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]***; and;

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

24.05.2023

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