



Crl.O.P.No.9231 of 2023

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WEB COUNCIL **S.SOUNTHAR, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 467, 468, 471, 120B and 34 of IPC, in Crime No.9 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Gouthaman is that his daughter Vinodhini had instigated to fraudulently create the settlement deed in her favour by impersonating and forging the signature of her own father in the settlement deed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) for the respondent State would submit that there are totally 7 accused. A7 purchased the property from A5. Except A5, all are absconding. Hence, he vehemently opposed to grant anticipatory bail to the petitioner/A7.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. The main allegation in the FIR is that the property of defacto complainant was settled in favour of second accused / Vinodini, D/o the defacto complainant, by impersonation. There is no specific allegation in the FIR against the petitioner in the said act of impersonation. Hence, this Court is inclined to grant anticipatory bail in favour of the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from



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the date on which the order copy made ready, before the **learned Special Court, Tiruvallur**, on condition that the petitioner shall execute a 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 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 report before the respondent police every day at 10.30, a.m, until further orders;

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

[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



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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;

04.05.2023

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