



Crl.OP.No.9755 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 82(b) of Registration Act, in Crime No.273 of 2023 by the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner obtained death certificate of his alive father, then obtained legal heir certificate based on the death certificate of his alive father, and then based on the legal heir certificate, he executed a register settlement deed in Document No.7313 of 2022 in favour of his wife/2nd petitioner on 04.07.2022 . Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not at all committed any offence as alleged. He further submitted that based on the complaint of the 1st petitioner's father, the District Registrar conducted an inquiry and canceled the settlement deed. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the first petitioner obtained death certificate of his alive father, obtained legal heir



certificate based on it and also executed a register settlement deed in favour of his wife/2nd petitioner. Hence he opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the above facts and circumstances of the case, 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 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 Judicial Magistrate No.III, Tiruppur**, on condition that the petitioners 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:

<https://www.mhc.tn.gov.in/judic>[a] the petitioners and the sureties shall affix their photographs



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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;

[b] the petitioners shall report before the respondent police every monday at 10.30 a.m. untill further orders;

[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 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.

17.05.2023

(Sha/Vrc)



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