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Crl.O.P.No.10286 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 Sections 120-B, 419, 420, 467, 471 & 109 of IPC, in Crime No.391 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 01.09.2010, the petitioners along with other accused have entered into a criminal conspiracy and have created a fraudulent Will of Gurusamy in order to cheat the defacto complainant and after the death of the said Gurusamy, on 23.10.2010, submitted the same before the learned Additional District Court, Bhavani in O.S.No.41 of 2020. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to property dispute, a false complaint has been foisted against them. Hence, he seeks for grant of



anticipatory bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that on 01.09.2010, the petitioners along with other accused have entered into a criminal conspiracy and have created a fraudulent Will of Gurusamy in order to cheat the defacto complainant and after the death of the said Gurusamy, on 23.10.2010, submitted the same before the learned Additional District Court, Bhavani in O.S.No.41 of 2020. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;



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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-II, Bhavani**, on condition that the petitioners 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.



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[c] the petitioners are directed to file an undertaking affidavit that they will not rely upon the Will.

[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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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