



Crl.O.P.No.10613 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 468, 471 of I.P.C. in Crime No.61 of 2023, on the file of respondent police, seeks anticipatory bail.

2. The case of prosecution is that the defacto complainant, who is working as Tahsildar in Paramathi Velur, lodged a complaint stating that she received a letter dated 14.03.2023 from Sub-Registrar, Paramathi requesting for genuineness of legal heirship certificate, which is said to have issued in the office of Tahsildar, Paramathi Velur. However, on verification, the signature found in the said certificate not signed by her. Hence, the complaint.

3. The learned counsel for petitioner submitted that a false case has been foisted against him and he has not committed any offence as alleged in the complaint. He would further submit that he is no way connected with the offence and he is an innocent person. He would also submit that in fact, his



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father died even before the death of his grandfather Nagappan and later his grandfather did in the year of 1989 leaving behind the petitioner and his mother as his legal heirs. As the petitioner and his mother are illiterate person, they have approached one C.Subramani kof Sirukinathu Palayam, who is well acquainted with the taluk office work, to obtain legal heirship certificate and he obtained the same in the year of 1990. So, the petitioner is a victim. He would submit that the petitioner is ready to cooperate with the investigation and also abide by any condition imposed by this court. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that when the Sub-Registrar of Paramathi sought for genuineness of legal heirship certificate issued in the office of Tahsildar, Paramathi Velur, on verification, it was found to be forged. He would further submit if he is granted anticipatory bail, he will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed and also the fact that as the petitioner and his mother are illiterates, they have approached a person acquainted with taluk office and through him only, they have got the copy of the said certificate, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner 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, Paramathi, on condition that the petitioner 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:



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[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 appear before the respondent police as and when required for the investigation.

[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 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.

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