

Crl.O.P.No.12195 of 2023

V.LAKSHMINARAYANAN, J.

The petitioners who apprehend arrest for the alleged offences under Sections 465, 468, 471 and 420 of IPC in Crime No.24 of 218 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A1 and A2 cheated the defacto complainant and manipulated several crores by forging the defacto complainant's signature. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons. He further submits that the petitioners have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned **Government Advocate (Crl side)** submits that defacto complainant had filed a suit for partition in O.S.No.46 of 2016 before the learned Additional District Judge at Hosur. He would further submit that there is a civil dispute pending between the parties. However, he vehemently oppose for granting anticipatory bail to the petitioners.



5. Considering the fact that there is a civil dispute pending between the parties and directed them to work out their remedies before the concerned Civil Court. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 of receipt of a copy of this order, before the learned ***District Munsif cum Judicial Magistrate No.I, Court, Hosur*** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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) the petitioners and 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;



(b)the petitioners shall report before the respondent police as and when required for interrogation;

(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 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;

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

26.05.2023

dk/jas

To

- 1.The District Munsif cum Judicial Magistrate No.I Court,
Hosur
- 2.The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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