



Crl.O.P.No.12891 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 419, 420, 468, 471 and 120(B) of IPC in Crime No.1 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant's husband had purchased property to the extent of 8720 square feet Natham land in Survey No15, Patta No.196 by way of registered sale deed in the year 2005 from one Mrs.Pappammal. He was in possession and enjoyment of the property. Unfortunately, he died in the year 2014. A1 and A2 are brother and sister of the deceased defacto complainant's husband. They conspired together and registered a gift deed by impersonating the defacto complainant's husband. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI. Side) would submit that the petitioners had illegally purchased the defacto complainant's husband's property. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. As directed by learned Predecessor order dated 19.06.2023, to cancel the settlement deed dated 19.09.2018, it is represented by learned counsel for the petitioners that the settlement deed has actually been cancelled on 05.07.2023.



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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 on which the order copy made ready, before the *learned Judicial Magistrate, Thiruvvarur*, 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:

[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 as and when required.



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[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]**.

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

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