



Crl.O.P.No.16128 of 2023

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A.D.JAGADISH CHANDIRA, J.

The present petition has been filed seeking anticipatory bail by the accused 1 to 4 in Crime No.151 of 2023 registered on the file of the respondent police for the alleged offences punishable under Section 420 of IPC.

2. The first accused/Rajammal is the wife of the second petitioner/ Kudiyarasu (A2) and the petitioners/accused 3 and 4 are their son and daughter. The allegation against the petitioners is that they have fabricated an Aadhar card as if the first accused is the wife of one Kesavaraj and executed a sale deed in respect of an extent of 2.57 acres in Survey No.79/1, situated at Gobichettipalayam village vide document No.3367/2021 dated 04.08.2021 registered before the Sub Registrar Office, Harur in favour of the fourth accused/Manimegalai.

3. When the matter was taken up for hearing on 11.08.2023, it was submitted by the learned counsel for the petitioners that the first and second accused were arrested and released on bail pending the present petition and the



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third accused, who is the son of A1 & A2, is presently working as Revenue Inspector, Arani Taluk, Tiruvannamalai District and his name has been unnecessarily dragged into this issue to settle the dispute under the threat of arrest. It was also submitted that the third accused and his sister/A4 have no role to play, however, they have been roped in this case and that A3 has instructed his family members to cancel the sale deed, which was executed by his mother/A1 in favour of his sister/A4, vide Document No.3367 of 2021 dated 04.08.2021 before the Sub Registrar Office and further, he also undertook to cancel the said sale deed.

4. Today, the learned Government Advocate (Crl.Side) by producing the copy of the cancellation deed as well as the encumbrance certificate, submitted that the accused have cancelled the sale deed registered as Document No.3367/ 2021 dated 04.08.2021, vide cancellation deed No.5365/2023 dated 22.08.2023.

5. Heard both sides and perused the material available on record.



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6. Taking into consideration the above facts and the submissions made by the learned Government Advocate (Crl.Side), the interim anticipatory bail granted by this Court dated 11.08.2023 is made absolute in respect of the third and fourth petitioners alone, subject to the following conditions.

[a] the third and fourth petitioners shall report before the respondent Police, on every Saturday at 10.30a.m., until further orders;

[b] the third and fourth petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the third and fourth petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the third and fourth petitioners in accordance with law as if the conditions have been imposed and the third and fourth 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]**.

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



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7. It is made clear that the third and fourth petitioners need not execute bond or produce sureties, since they had already executed the bond and sureties with respect to the Crime No.151 of 2023, before the learned Judicial Magistrate, Harur, in compliance to the order dated 11.08.2023. It is further made clear that in so far as, the first and second petitioners are concerned, the Criminal Original Petition them stands dismissed as infructuous, since they were arrested and released on bail, pending the present petition.

28.08.2023

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