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CrI.O.P.No.14070 of 2023

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**G.CHANDRASEKHARAN. J.**

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 464, 467, 468, 471, 474, 420 & 109 of IPC in Cr.No.9 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that the first petitioner is brother of the de-facto complainant, second petitioner is wife of the first petitioner, the third and fourth petitioners are the close relatives of the de-facto complainant as well as the first petitioner and the fifth petitioner is working under the first petitioner.

3.A complaint was given by the de-facto complainant alleging that the Will executed by the first petitioner's father in his favour is a forged one, for which, the de-facto complainant had already filed a suit in O.S.No.154 of 2019 seeking partition.



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4. The issue as to whether the Will said to have been executed by the father of the first petitioner as well as the de-facto complainant on 21.05.2012 is a genuine one or a forged one, is the matter pending before the District Munsif Court, Salem in O.S.No.154 of 2019. However, the de-facto complainant, only to harass the petitioners has given a false criminal complaint.

5. The learned counsel for the de-facto complainant/intervener opposed this petition on the ground that the stamp paper used for the Will was not at all sold as claimed by the first petitioner. In this regard, the District Registrar has also given a complaint to the Sub-Inspector of Police, District Crime Branch, Salem.

6. The learned Government Advocate (Criminal Side) submits that the Will executed by the first petitioner's father was not a genuine one and the de-facto complainant has a share in the property.



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7. Considered the submissions. The core issue involved in this case that the Will said to have been executed by the first petitioner's father on 21.05.2012 is a true and genuine or a forged one. This issue should be agitated only by filing a civil suit. This Court finds that already a Civil Court has seized off the matter in O.S.No.154 of 2019 pending before the District Munsif Court, Salem. Thus, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is not necessary in this case.

8. Accordingly, 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 Court No.VI, Salem**, on condition that the petitioners shall execute a 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



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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., until further orders;**

[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].



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

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