



Crl.O.P.No.21202 of 2022

Orders Reserved on
22.09.2023

Orders Pronounced on
27.09.2023

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RMT. TEEKAA RAMAN., J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 255, 256, 258, 294(b), 323, 406, 420, 467, 468, 506(i) of IPC in Crime No.739 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, colluding with the other accused had forged and fabricated the Legal heir certificate in which, the names of the defacto complainant and her sister were deleted and he had sold the property belonging to their mother. Hence, the complaint.

3.. The learned counsel for the petitioner would submit that the petitioner is the father of the defacto complainant and he is an Ex.Army Man. He would submit that he had purchased a land in the name of his wife and apart from that he had also obtained loan for the marriage of the defacto complainant and her sister whereas, the defacto complainant and her sister on



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the instruction given by her husband had given a false complaint against the petitioner. He would submit that though it is a matter related to dispute between father and daughter, the petitioner is ready to cancel the sale deed and go for the Mediation. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. Considering the rival submission of the parties, this court referred the matter to **Tamil Nadu Mediation and Conciliation Centre, attached to Madras High Court** and the parties were directed to appear before the Mediation Centre on 29.09.2022. However, since the mediation failed, the matter is referred back to this Court.

5. The original legal heir certificate and the alleged forged legal heir certificate have been filed before this Court.

6. The learned counsel for the intervenor would contend that since the defacto complainant, being the Doctor has chosen the life partner by her own choice, the father has fabricated the document and sold the property.



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7. Per contra, the learned counsel for the petitioner would contend that the said property was purchased out of his earning from the Army in the name of his wife. After the death of wife, since he has availed loan for the purpose of marriage of the defacto complainant and her sister, he sold the property and hence, a false case has been foisted.

8. Heard the learned counsel for the petitioners as well as the intervenor and the learned Government Advocate (crl.side).

9. After perusing the original legal heir certificate, the alleged forged legal heir certificate and the submissions of the learned Government Advocate (crl.side), as they obtained legal heir certificate excluding two daughters of the first accused and sold the property. In the subsequent legal heir certificate, names of all the four persons, i.e. first petitioner/ husband, second petitioner/son, the defacto complainant/daughter and another daughter's name is included.



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10. Considering the nature of the dispute between the family and also the fact that both the legal heir certificates have been seized by the respondent police, I find that the ex-serviceman who is the petitioner herein need not undergo the custodial interrogation. Hence, I am inclined to grant anticipatory bail to the petitioner.

11. 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 is made ready, before the learned **Judicial Magistrate, Perambalur** 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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.



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[b] the petitioner shall report before the respondent police on Saturday at 10.30 a.m., until further orders;

[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.

27.09.2023

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RMT. TEEKAA RAMAN., J.

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