

Crl.O.P.No.22168 of 2023**RMT.TEEKAA RAMAN, J.**

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The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 419, 423, 465, 468 and 471 of I.P.C., in Crime No.344 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the owner of 1.49 acres situated at Vasudevanoor village. He had purchased an extent of 51 cents from one Chinnaponnu and brought other properties of Chinnaponnu sold earlier to some other persons. The son of Chinnaponnu was also died. Thereafter A1 and children were made as a legal heir. In the said circumstance, A1 who is the wife of deceased Balamurugan had created a forged Will dated 07.05.2008 in the presence of A3 and A4. On strength of forged Will A1 has filed O.S.No.68 of 2021 before the learned Additional District Judge, Kallakurichi, but the trial Court has found the Will has forged and dismissed the suit. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this



case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that A1 had created a forged Will dated 07.05.2008 in the presence of A3 and A4. On strength of forged Will A1 has filed O.S.No.68 of 2021 before the learned Additional District Judge, Kallakurichi, but the trial Court has found the Will has forged and dismissed the suit. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the de-facto complainant is the mother-in-law. His husband died on 27.07.2008. The alleged Will is dated 07.05.2008. There is a finding in a Civil Suit that the said Will is a forged one in I.A.No.412 of 2002 dated 11.10.2021 and the de-facto complainant also filed a Writ Petition in W.P.No.6471 of 2022 is directed to the District Registrar to dispose the representation within a period of six weeks. The present petitioner is the one of the attester for the Will. Hence, this Court is inclined to grant



anticipatory bail to the petitioner.

7. 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 made ready, before the **learned Judicial Magistrate-II, Kallakurichi**, on condition that the petitioners shall execute a separate 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 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.

[b] **the petitioner shall report before the respondent Police, everyday 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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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