



Crl.O.P.Nos.23121 & 25020 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners seek anticipatory bail in Crime No.204 of 2023 registered by the respondent police for the offences punishable under Sections 465, 466 and 471 of IPC.

2.The 1st and 2nd accused have filed Crl.O.P.No.25020 of 2023 and the 3rd and 4th accused have filed Crl.O.P.No.23121 of 2023.

3.It is the case of the prosecution that the mother of the defacto complainant is Thangammal and the father is Periyannan. It is stated that the family property in the name of the mother of the defacto complainant at Pettanayakkanpalayam Taluk, Ethappur Village, was a Hindu joint family property. It originally belong to the paternal grandmother of Thangammal and Kalimuthu. It is stated that the 1st accused had created false and bogus death and legal heir certificates with support of the 2nd,



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3rd and 4th accused and transferred the property claiming to be the legal heir of Kalimuthu. The 1st accused is the mother of the 2nd accused, who is the son. In all the documents, which had been created, the 2nd to 4th accused have signed as witnesses.

4.The earlier anticipatory bail petition had been dismissed as withdrawn. This is the second anticipatory bail petitions. The entire aspect relates to land in S.No.130/3 at Pethanaickenpalayam, Ethappur Village, Salem District. It is also seen that the petitioners claimed title to the said property. There is also a rival claim in the title. It is also seen that a suit in O.S.No.198 of 2022 is now pending before the III Additional District Court, Salem.

5.Taking into consideration the seriousness of the nature of offences, particularly, since A1 had obtained certificate from the Village Administrative Officer and legal heir certificates on 18.03.2021 and 13.03.2019, so far as A1 and A2 are concerned, I am not inclined to grant anticipatory bail and the petition in Crl.O.P.No.25020 of 2023 stands



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dismissed. But, so far as petitioners / A3 and A4 in Crl.O.P.No.23121 of 2023 are concerned, since they have signed as witnesses, anticipatory bail is granted to A3 and A4.

6. Accordingly, the petitioners / A3 and A4 in Crl.O.P.No.23121 of 2023 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 No.I, Athur, Salem District, on condition that each one of the petitioner 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 petitioners / A3 and A4 and the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners / A3 and A4 shall report before the respondent police daily at 10.30 a.m., until further orders

[c] the petitioners / A3 and A4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners / A3 and A4 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 / A3 and A4 in accordance with law as if the conditions have been imposed and the petitioners / A3 and A4 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.

13.12.2023

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