



Crl.O.P.No.24408 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners seek anticipatory bail in Crime No.351 of 2023 registered by the respondent Police for the offences under Sections 109, 420, 465, 468, 471 IPC.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side).

3.It is stated that the defacto complainant has a property measuring about 2.75 Acres at KRN Nagar, Maramangalathupatty, Salem. It was leased out on oral lease to the petitioners herein. Thereafter, for some reason, the petitioners are said to have created a written lease which is said to be a forged document and as on date the property is under lock and key. There are several coconut trees and others trees inside the plot. There are allegations and counter allegations that the petitioners have paid amounts to the defacto complainant and the defacto complainant has also paid amounts to the petitioners.



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4.I am not entering into any discussion on that particular aspect.

Since the entire property is under lock and key and the keys are at the hands of the petitioners, anticipatory bail is granted to the petitioners subject to the condition that the petitioners hand over the keys to the learned Judicial Magistrate No.1, Salem who may retain it along with the records in Crime.No.351 of 2023 registered by the Inspector of Police, Steel Plant Police Station, Salem District.

5.The defacto complainant may file an application every month or whenever necessity arises but definitely with a space of one month, to hand over the keys to him for the purpose of maintaining the 2.75 acres of land and watering the plants and for doing any other cleaning purpose. On that particular point the learned Judicial Magistrate No.1, Salem may appoint an Advocate Commissioner to ensure that work alone is done and hand over the keys to the learned Judicial Magistrate No.1, Salem. Every time a separate Advocate Commissioner may be appointed. The remuneration of the Advocate Commissioner is to be determined by the learned Judicial Magistrate No.1, Salem and to be paid by the defacto complainant. The anticipatory bail is granted to the petitioners and sureties may be executed



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only if the petitioners deposits the keys to the Court of Judicial Magistrate No.1, Salem. If there is a breach of any of the conditions, any party can apply for cancellation of anticipatory bail.

6. Accordingly, the 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-I, Salem**, 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 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 10.00.a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness



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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];

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

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