

Crl.O.P.No.31138 of 2022

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 420, 465, 468 and 471 of IPC in Cr.No.335 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the first accused, who is the younger brother of the defacto complainant, by creating a forged legal heir certificate obtained death certificate of his father and grabbed the property, which was in the name of his father. Later transferred the said property in favour of his son with the help of other accused. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4.Learned Government Advocate (Crl. side) submits that as per the direction of this Court dated 15.02.203, an enquiry has been conducted by the Sub-Registrar, Kallakurichi and enclosed the copy of the report.



He further submitted that as per the said report, the petitioner was reported before the Sub-Registrar and cooperated for the investigation.

5.Heard, learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

6.As per the direction given by this Court on 15.02.2023, the Sub-Registrar has conducted an enquiry under Section 77 A of Registration Act and filed the report before this Court. On perusal of the said report, the Sub-Registrar, Kallakurichi mentioned that the documents produced by the defacto complainant were fraudulent documents.

7. Considering the facts that the petitioner has cooperated for the enquiry and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned



Judicial Magistrate I, Kallakurichi, 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 respondent

police or the police officer who intends to arrest or to the satisfaction of the

learned Magistrate concerned 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 Court concerned 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 every Tuesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(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 anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

02.03.2023

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To
The Judicial Magistrate No.I,
Kallakurichi.

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