



Crl.O.P.No.32509 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence punishable under Section 420 of IPC in Crime No.1 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are close relatives and they are adjacent land owners. The 1st petitioner and 2nd petitioner are the legal heirs of the late Chennaiyanaichar and having properties in S.Nos.97, 98 and they are in possession and enjoyment of the property. The legal heirs of the Chennaiyanaichar sold the properties to the 3rd petitioner and registered as Doc.No.3518 of 2021 on 05.07.2021 on the file of the Sub-Registrar Office, Uthangarai, Krishnagiri District by forging the document. The third petitioner filed a civil suit against the defacto complainant in O.S.No.146 of 2021 on the file of the Sub Court, Uthangai. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that



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the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioners, without prejudice to their rights, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the petitioners and the defacto complainant are close relatives and they are adjacent land owners. The 1st petitioner and 2nd petitioner are the legal heirs of the late Chennaiyanaichar and having properties in S.Nos.97, 98 and they are in possession and enjoyment of the property. The legal heirs of the Chennaiyanaichar sold the properties to the 3rd petitioner and registered as Doc.No.3518 of 2021 on 05.07.2021 on the file of the Sub-Registrar Office, Uthangarai, Krishnagiri District by forging the document. The third petitioner filed a civil suit against the defacto complainant in O.S.No.146 of 2021 on the file of the Sub Court, Uthangai. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel appearing on either side, this Court is



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inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **Learned Special Judicial Magistrate (Land Grabbing Court), (FAC), Krishnagiri** on condition that each of the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties(out of which one surety should be a blood related surety and should produce document to show his/her means) 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 are directed to report before the respondent police daily at 10.30 a.m., for a period of two



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months and thereafter as and when required for interrogation.

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

10.01.2023

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