



Crl.O.P.No.27467 of 2023

Crl.O.P.No.27467 of 2023

C.V.KARTHIKEYAN, J.

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 474, 423, 420 and 120B of Indian Penal Code in Crime No. 1040 of 2023, seek anticipatory bail.

2. It is stated that the petitioners are mother and daughter. The defacto complainant is the son. The first petitioner was the owner of a property but the possession of the title deeds was with the defacto complainant. The first petitioner thereafter obtained a non traceable certificate of the title deeds and executed a settlement deed in favour of the second petitioner herein/A-2. The second accused therein sold the property to other third parties. There was a suit pending in O.S.No. 308 of 2018 before the Sub Court at Salem. It is under those circumstances that the complaint had been given.

3. The one factor to be considered is that the first petitioner herein was the title holder of the property with right to execute any document, she deems necessary. She had executed a settlement deed in favour of her daughter.

4. In view of these circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 No.V, Salem, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten



CrI.O.P.No.27467 of 2023

thousand only) each 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 this Court 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 appear before the respondent police once in a week ie., every Monday at 10.30 a.m., 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.

14.12.2023



vsg

WEB COPY



CrI.O.P.No.27467 of 2023

C.V.KARTHIKEYAN, J.

Vsg

CrI.O.P.No.27467 of 2023

14.12.2023