



Crl.O.P.No.1107 of 2024

Crl.O.P.No.1107 of 2024

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioners/A1 to A4 seek anticipatory bail in Crime No.312 of 2023 registered by the respondent Police for the offences punishable under Section 420 of IPC.

2. It is the case of the prosecution that the defacto complainant/Sub Registrar, Needamangalam had given a complaint alleging that the petitioner had committed cheating by misappropriation in execution of the document No.1358 of 2021 with respect to the property situated in Thiruvarur District, Valangaiman Taluk, Kottaiyur Village, Survey Nos.70/5, 198/1B, 198/1C, 241/4A, 248/2, 191/4, 198/1A and 198/2 which belonged to one Abdul Saththar who had actually died on 07.05.2004. It is stated that A1 had changed his name in Aadhar card and had impersonated as Abdul Sathar and had sold the property to A2. A3 and A4 had witnessed the said documents. Subsequently, consequent to a circular issued by the District Registrar dated 20.01.2023, the said documents had been cancelled taking advantage of Section 77(A) of the Indian Registration Act of 1908.



Crl.O.P.No.1107 of 2024

WEB COPY

3. The learned counsel for the petitioner stated that the petitioner would not raise any objection and would cooperate with the investigation and would not abscond from the judicial process.

4. The learned Government Advocate(Crl.Side) however stated that since the offences of misappropriation had also been committed, the alternation of the offences would be done. But as on date the offence is only with respect to 420 IPC.

5. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 District Munsif cum Judicial Magistrate, Needamangalam**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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



Crl.O.P.No.1107 of 2024

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 10.30 a.m., until further orders.

[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.



WEB COPY

rjr



CrI.O.P.No.1107 of 2024

30.01.2024



WEB COPY



Crl.O.P.No.1107 of 2024

C.V.KARTHIKEYAN, J.

rjr

Crl.O.P.No.1107 of 2024

30.01.2024