



Crl.O.P.No.2687 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners / A1 & A2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 471 of IPC in Crime No.204 of 2023, seek anticipatory bail.

2.It is the case of the prosecution that the mother of the defacto complainant is Thangammal and the father is Periyannan. It is stated that the family property in the name of the mother of the defacto complainant at Pettanayakkanpalayam Taluk, Ethappur Village, was a Hindu joint family property. It originally belong to the paternal grandmother of Thangammal and Kalimuthu. It is stated that the 1st accused had created false and bogus death and legal heir certificates with support of the 2nd, 3rd and 4th accused and transferred the property claiming to be the legal heir of Kalimuthu. The 1st accused is the mother of the 2nd accused, who is the son. In all the documents, which had been created, the 2nd to 4th accused have signed as witnesses.

3.The first petition seeking anticipatory bail was dismissed as withdrawn. The second petition seeking anticipatory bail was dismissed



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on merits on 13.12.2023 in Crl.O.P.No.25020 of 2023. This is the third anticipatory bail petition.

4.The status of O.S.No.198 of 2022 now pending before the III Additional District Court at Salem had been produced by the learned counsel and it is seen that the matter is still pending for service of suit summons on D29. It is thus seen that the suit will protract for a consideration period of time.

5.Taking that factor into consideration, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

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, Athur, Salem District, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten 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 the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand



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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 daily 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.

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