



Crl.O.P.No.7966 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 417, 420 and 468 of IPC in Crime No.203 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are husband and wife. The allegation as per the defacto complainant is that, he is the co-sharer of the property bearing survey No.20 and 20/1. The petitioners and other accused colluded together and created forgery will in favour of one Dhanammal. Thereafter based on the Will, she executed a registered Will in favour of the first petitioner herein. Based on the said will, the petitioner settled the said property in favour of the second petitioner by settlement deed dated 09.06.2020. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that the petitioners claims right over the property



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based on the will said to be executed by Dhanambal. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the entire property did not belong to the petitioners alone. The first petitioner is an adopted son of the said Dhanammal. He was only inducted as a tenant but now he claims a right over the property based upon the fabricated will. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. On perusal of the records, it is found that based upon the will dated 25.01.2018, the petitioners claims a right over the property said to have been executed by the Dhanammal. However as on date, the said will has not been proved by the manner known to law. Since the dispute is pending between the legal heirs of the sister of the Dhanammal and the will has to be proved by the petitioners, but this has not been done so far.



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6. Considering the facts and circumstances of the case and the submission made by both side counsels, will is under dispute, civil nature, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.I, Tiruvallur*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties and one surety must be a blood surety, 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 petitioners 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;



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(b) the first petitioner shall report before the respondent police on every Tuesday at 10.30 a.m, for a period of twelve weeks;

[c] the second petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioners shall file an affidavit before the Trial court that they would not create any encumbrance over the property until the dispute between the parties are solved as per the manner to law.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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 has been imposed and the petitioner is 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]*; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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