



Crl.O.P.No.9013 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 120 (b), 463, 464, 465, 467, 475 and 506(i) of IPC in Crime No.175 of 2024 on the file of the respondent/police, seek anticipatory bail.

2.It is the case of the prosecution that the 1st petitioner is doing two-wheeler stand business in the name and style of Sri Amma Two wheeler stand since in the year 2010. The 2nd petitioner is an Advocate and also a farmer in the village. There is a money dispute among the petitioners and the defacto complainant. The petitioners are forged and fabricated a rental agreement dated 04.09.2017 for filing a civil suit for money and threatened the defacto complainant with dire consequences. In the year 2010, the defacto complainant's father leased out his property to the petitioners brother Late Mr.Narayanan for doing Two-wheeler stand business. At the time of entering into the lease agreement he paid Rs.7,00,000/- as an advance. And then, he spent nearly Rs.4,00,000/- to develop the property for two wheeler stand. He paid additional advance of Rs.9,00,000/- to him in the year 2012. The petitioners' brother died in the year 2021 due to ill health. Hence the 1st



petitioner is doing the above said business. He was regularly paying rent of Rs.25,000/- to the land lord. Int he meantime, the land lord settle his property to his sons in the year 2019. Hence the defacto complainant wants to vacate the 1st petitioner without settling his advance amount and threatened them. For which, the 1st petitioner filed a suit for Injunction in O.S.No.12 of 2024 before the Hon'ble District Munsif Court at Kallakurichi and the defacto complainant filed his vakalat in the above suit. Thereafter, he received the documents and verified. In which, he found that the lease agreement was forged and fabricated by the 1st petitioner. Hence the defacto complainant lodged a complaint to the respondent for cheating and threatening.

3.The learned counsel appearing for the petitioners would submit that they are law abiding citizens. They would not tamper or hamper with the investigation in the case. They undertake to abide by any conditions that may be imposed by this Court. There is a possibility of settlement between the parties. Hence, the learned counsel prays to grant anticipatory bail to the petitioners and also refer the matter for mediation.

4.The learned Government Advocate (Crl. Side) vehemently opposed for



grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and it is a matter for trial, hence this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are directed 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.1, Kallakurichi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the respondent/police or the police officer, who intends to arrest the petitioner, 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 Court concerned may obtain a



copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to deposit Rs.3,00,000/- to the credit of the Crime No.175 of 2024, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready;

(c) the petitioners shall appear before the respondent police on every Tuesday at 10.30 a.m., for a period of eight weeks;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 petitioner released on bail by the learned Magistrate/trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8.Both the parties are directed to appear before the Mediation and



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Conciliation Centre at Kallakurichi on 07.05.2024.

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