



Crl.O.P.No.12566 of 2024

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T.V.THAMIILSELVI, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 465, 468, 471, 420 and 109 of Indian Penal Code, 1860 in Crime No.205 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

3. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that there was a property dispute between the parties. Due to which, a Partition Suit filed by the defacto complainant in the year 2011 and an exparte order was passed in favour of the defacto complainant in the year 2015. The defacto complainant is also one of the legal heir. The petitioners have cheated the defacto complainant's share in the



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property by giving fraudulent particulars about the legal heirs and ignoring the shares of the defacto complainant by creating fake patta and got Possession Certificate in their favour and sold the entire property to one Rajasingam in the year 2018-2019.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the both counsel and also considering the fact that the sale deeds of the year 2018-2019, there is no possibility of tampering evidence and witness and also the fact that the petitioners are aged about more than 60 years, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory 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.2, Salem**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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Only), 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 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 shall report before the respondent police, 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 has been imposed and the petitioners is released on anticipatory 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;

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

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