



Crl.O.P.No.14539 of 2024

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WEB C **T.V.THAMILSELVI, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 419, 420, 465, 468 & 471 of IPC in Crime No.11 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, she had purchased a plot No.11 on 12.07.1995 at Melmaruvathur Village and on seeing EC she came to know that one Azhagu Sundaram Banumathi purchased through Sale deed from one Kavitha. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not signed as witness and records were misused and the above case was registered in the year 2020. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant is the owner of the property and the petitioners have fabricated the sale deed and now there is an encroachment in the property belonging to the defacto complainant and requires detail investigation. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, the 1st petitioner has made a impersonation and the 2nd petitioner is the witness to the document and the same is still under investigation, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone with certain conditions. As far as the 1st petitioner is concerned anticipatory bail stands dismissed.



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7. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Tiruvallur, on condition that the petitioner 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 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 2nd petitioner 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 2nd petitioner shall report before the respondent Police Station on every Wednesday at 10.30 a..m, until further orders.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd petitioner shall not abscond either



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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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

24.06.2024

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26.04.2024