



Crl. O.P. No.24012 of 2024

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WEB CO P.DHANABAL.J.,

The petitioners/ A2 to A4 who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 120B, 419, 423, 465, 468 and 471 of IPC, 1860, in Crime. No.252 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the property comprised in S.No.61/2014 situated in Kattusellar Village, admeasuring an extent of 74 cents, was allotted to the defacto complainant by the Government; that the first accused has impersonated the defacto complainant by creating an Aadhar card and sold the property in favour of the second accused; that in turn, the second accused has sold the property in favour of the third accused; and that the third accused has executed a settlement deed in favour of her son/fourth accused. Hence the complaint.

3. Learned counsel appearing for the petitioners/A2 to A4 submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He also submitted that there are four accused in this case; that



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the petitioners are arrayed as A2 to A4; that these petitioners are the subsequent purchasers of the property in dispute. He further submitted that the petitioners are law-abiding citizens; and that they are ready to abide by any conditions that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of anticipatory bail to the petitioners by stating that the petitioners played a vital role in this case and that though these petitioners are subsequent purchasers, after knowing very well about the nature of the property, they purchased the property. He further submitted that there are no previous cases pending against the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, the nature of offences charged against the petitioners, that these petitioners are the subsequent purchasers of the property in dispute and also taking into consideration that there are no previous cases pending against the



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petitioners, this Court is inclined to grant anticipatory bail to the
petitioners, subject to the following 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 on which the order copy was made ready, before the learned ***Judicial Magistrate Thirukoilur***, on condition that the petitioners shall execute a 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 learned Magistrate concerned, and on further conditions that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[b] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the prior permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.



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[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 269 of the BNS.

30.09.2024

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To

- 1.The Judicial Magistrate,
Thirukoilur.
2. The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi.
3. The Public Prosecutor,
High Court, Madras.

P.DHANABAL,J

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