



Crl. O.P. No.29423 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 423, 465, 466, 467, 468 and 471 of IPC in connection with the Cr. No.15 of 2024, seeks anticipatory bail.

2. The defacto complainant namely Sampath Kumar lodged a complaint stating that the complainant's grandfather having a join property at Sorakkal Pattu, Cuddalore. The complainant's grandfather, who is having 6 heirs, died on 08.09.1995 without partition the land. But the accused persons A1 and A2, who were the relative of the defacto complainant, created the forged legal heir certificate by stating that A1 was the only legal heir and he created the fake missing certificate by using the name of Navalpattu Police Station in C.S.R. No.41 of 2022, Thiruchy District and executed the settlement deed in favour of A2 vide Doc. No.4144 of 2023 at Sub-Registrar Office, Cuddalore. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against this petitioner for



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the alleged offences under Sections 423, 465, 466, 467, 468 and 471 of

IPC. In fact, the petitioner is a relative of the 1st accused and the petitioner had only referred the document writer at Trichy as requested by the A1 and other than that, he neither involved in the preparation of any fabricated document nor used those documents to execute the settlement deed. The petitioner is a physically disabled person with permanent locomotor disability and he is an innocent and he has nothing to do with the commission of the offences and he is ready to abide by any condition imposed by this Court and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the accused persons A1 and A2, who were the relative of the defacto complainant, created the forged legal heir certificate by stating that A1 was the only legal heir and he created the fake missing certificate by using the name of Navalpattu Police Station in C.S.R. No.41 of 2022, Thiruchy District and executed the settlement deed in favour of A2. A1 was arrested on 23.09.2024 and his confession statement was recorded. The confession statement of A1 revealed that the accused persons A3 and A4 helped to create the forged legal heir certificates for executing the settlement deed in



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favour of A2 and therefore opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that this petitioner is not the named accused in the FIR and he has been implicated in this case only based on the confession statement of the co-accused, even according to the prosecution, this petitioner has only assisted the main accused to get legal heir certificate, no specific overt act attributed against this petitioner and there is a property dispute pending between the parties and already the co-accused were released on bail and there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner 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 made ready, before the learned **Judicial Magistrate No.III, Cuddalore** on condition that the petitioners shall each 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



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the learned Magistrate concerned and on further condition that:

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[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 previous permission of the Court;

[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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.



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05.12.2024

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To

- 1.The Judicial Magistrate No.III, Cuddalore
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, District Crime Branch, Cuddalore.

P.DHANABAL,J

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