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Crl.O.P.No.28229 f 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks anticipatory bail in Crime No.1010 of 2023 registered by the respondent Police on 14.10.2023 for the offences punishable under Sections 417, 465, 468, 471 and 109 of IPC, with respect to occurrence which took place on 13.09.2022.

2. The Village Administrative Officer of Alagapuram village at Salem is the defacto complainant. The petitioner had given an application to the Tashildar for getting legal heirship certificate with respect to his father Sundara Rajan. He had two sisters i.e., Estharrani and Senthilvadivu. They had died earlier in the year 1998 and 2018 respectively. Instead of producing the original death certificate probably out of some urgency and probably advised by A1 who is the broker, the petitioner had produced two fake death certificates of his two sisters. But to his credit must be stated that he had mentioned all the legal heirs. On the basis of the documents, two fake legal heirship certificate had been obtained. There had been no further transaction is done to the disadvantage of the legal heirs of the two dead persons.



Crl.O.P.No.28229 f 2023

WEB COPY

3. The learned Government Advocate(Crl.Side) had filed a Counter affidavit wherein it had been stated that during the course of investigation, it had been found that the death certificates had been forged and are fake. Necessary certificate in that regard also been obtained from the revenue officials. He also stated that the petitioner is a history sheeter in H.S. No.237 of 2022. At any rate, this issue is a dispute within the family.

4. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioners are ordered 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 **Judicial Magistrate No.V, Salem**, 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 or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



Crl.O.P.No.28229 f 2023

WEB COPY

[a] the 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner must disclose the whereabouts of A1, who is still absconding. The petitioner must also disclose as to who are the person who helped to produce the fake death certificates of the two sisters. If the petitioner does not make proper disclosure about the whereabouts of A1, the respondent is at liberty to file an application seeking to cancel this order.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



Crl.O.P.No.28229 f 2023

WEB COPY

[f] 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 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Crl.O.P.No.28229 f 2023

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Crl.O.P.No.28229 of 2023

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