



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Second day of December Two Thousand Fifteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.22804 of 2015

R.D. SANKARACHARY

... PETITIONER/Rank not Known)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AUSTINPATTY POLICE STATION,
THIRUNAGAR,
MADURAI DISTRICT,
CR NO.353/2014.

... RESPONDENT

For Petitioner : M/S BABU RAJENDRAN Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 406, 420, 465, 468 and 471 of I.P.C., in Crime No.353 of 2014, on the file of the respondent police, seeks anticipatory bail.

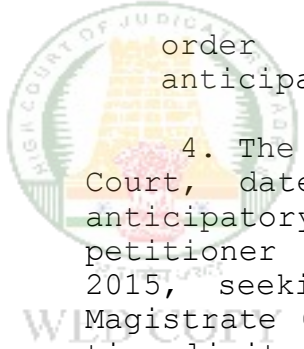
2. According to the de-facto complainant, the petitioner along with other accused created forged and fabricated documents and sold the property belonging to the de-facto complainant to JAS Property Developers.

3. The learned counsel for the petitioner submitted that the allegation against the petitioner is that he helped the other accused for preparation of bogus documents. He further submitted that the petitioner has already filed Crl.O.P.(MD) No.15544 of 2015 before this Court. This Court, by order dated 12.08.2015, had granted anticipatory bail to the petitioner, wherein at paragraphs 6 and 7, it has been held as follows:

"6. Considering the facts and circumstances of the case and also considering the fact that the co-accused was already released on bail, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-VI, Madurai, and on his executing a personal 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the



order copy made ready, failing which, the petition for anticipatory bail stands dismissed."

4. The petitioner has not complied with the condition imposed by this Court, dated 12.08.2015, in CrI.O.P.(MD) No.15544 of 2015 and the anticipatory bail petition stood dismissed automatically and hence, the petitioner has filed M.P.(MD) No.1 of 2015 in CrI.O.P.(MD) No.15544 of 2015, seeking for extension of time for his appearance before the Magistrate Court. This Court, by order, dated 04.09.2015, extended the time limit for a period of two weeks from the date on which, the order copy made ready. But, the petitioner did not execute the sureties within the time limit granted by this Court. Again, the petitioner has filed M.P.(MD) No.2 of 2015 in CrI.O.P.(MD) No.15544 of 2015, for the very same relief and the same was dismissed as withdrawn on 20.11.2015.

5. Now, the petitioner has come out with the present petition for Anticipatory Bail, on the ground that he sustained fracture on his left ankle joint and he took treatment for his ailment from 01.09.2015 to 13.11.2015 and hence, he could not arrange sureties within the time limit granted by this Court.

6. Considering the facts and circumstances of the case and being satisfied with the reasons given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.VI, Madurai, and on his executing a personal 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

02/12/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,MADURAI
- 2 DO THRO THE CHEIF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE, AUSTINPATTY POLICE STATION,THIRUNAGAR, MADURAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT MADRAS

+1. CC to M/S BABU RAJENDRAN Advocate SR.No.68943.

ORDER

IN

CRL OP(MD) No.22804 of 2015

Date :02/12/2015

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AM/03.12.2015/NGM.SS/SAR-I/2P/6C