



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.429 of 2018

RAHILA BANU

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI.
(CR.NO.27/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR, Advocate

For Respondent : M/S.A.RABINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

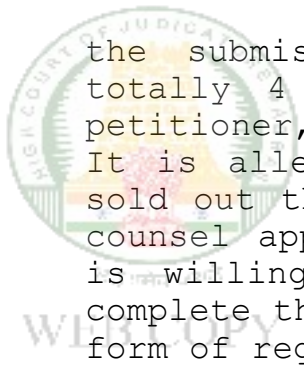
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 120-B, 420, 465, 468 and 471 IPC in Crime No.27 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant purchased the property from the petitioner and when he proposed to construct a house in the said property, one Subramanian claimed the title over the said property. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that totally 4 accused involved in this case, except this petitioner, all other accused were arrested and released on bail and investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Sections 120-B, 420, 465, 468 and 471 IPC. As per



the submissions of the learned Government Advocate (Crl.side), totally 4 accused involved in this case. Further except this petitioner, all other accused were arrested and released on bail. It is alleged that during the time of occurrence, the petitioner sold out the property for a sum of Rs.2,40,000/-. Now the learned counsel appearing for the petitioner submitted that the petitioner is willing to deposit the said amount. Further, in order to complete the investigation, evidences to be collected are all in the form of registered documents.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Pudukkottai, on condition that each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (ii) the petitioner is directed to deposit a sum of Rs.2,40,000/- to the credit of Crime No.27 of 2017 before the learned Judicial Magistrate No.II, Pudukkottai.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-
17/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, PUDUKKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, PUDUKKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.840

ORDER

IN

CRL OP (MD) No.429 of 2018

Date :17/01/2018

PK/PM-PN/SAR-1/18.01.2018 : 3P/6C