



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

Thursday, the Fourteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3189 of 2019

SUBBURAJ

... PETITIONER/ ACCUSED No.6

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VARSANADU POLICE STATION,
THENI DISTRICT.
Crime No.29/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.KARUPPASAMY PANDIYAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. 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 alleged offences under Sections 417, 420, 419, 465, 471 and 468 of IPC, in Cr.No.29 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property. The accused persons fabricated the documents and transferred his property in S.No.676/6 to one Sivaranjani wife of Balamurugan. But using the forged document, A2 and A3 obtained Rs.4,20,000/- from the Canara Bank as a loan. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submits that the petitioner is only a document writer and whatever placed before the petitioner, he prepared the document and presented the same. Except the preparation of document he did not commit any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that except A1 and A2 all other persons were arrested. The petitioner is a document writer and there is no allegation against him.

5.Considering the facts and circumstances of the case and since the petitioner is a document writer and there is no allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, Theni District on condition that the petitioner 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 and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6.It is made clear that the benefit of granting anticipatory bail to this petitioner/Accused No.6 is not applicable to other accused persons in this case.

sd/-
14/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
VARANADU POLICE STATION, THENI DISTRICT.

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

+1. CC to Mr. G. KARUPPASAMY PANDIYAN Advocate SR.No.4857

ORDER

IN

CRL OP (MD) No.3189 of 2019

Date : 14/03/2019

TK/PN/SAR-4/18.03.2019/3P/6C