



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

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4562 of 2019

MALAIRAJAN @ MALAISAMY

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VARASANADU POLICE STATION,
THENI DISTRICT.
CRIME NO.46 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.KARUNANITHI, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
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 alleged offences under Sections 417, 420, 419, 468, 471 and 465 of IPC in Crime No.46 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 created bogus records as if he is the owner of the property with the help of A2, A3, A4. Thereafter, the Law Enforcing Agency lodged a complaint against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner in Crl.O.P.(MD).No.5448 of 2019 is ready to cancel the sale deed and he has also filed an undertaking affidavit before this Court and relevant portion reads as follows.

"I submit that I have given my consent before this Court for cancellation of the said registered sale deed after came out on bail and I agreed to cancel the said registered sale deed within the stipulated time as directed by this Court."

<https://hcservices.ecourts.gov.in/hcservices/>

He would further submit that already A1 arrested and enlarged on bail. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Crl. Side) would submit that since the petitioner in Crl.O.P.(MD).No.5448 of 2019 himself has come forward to cancel the sale deed, this Court may pass appropriate orders. He would further submit that investigation is still pending.

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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner in Crl.O.P.(MD).No.5448 of 2019 is ready to cancel the sale deed, this Court is 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aandipatti, Theni District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)each 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner in Crl.O.P.(MD).No.5448 of 2019 is directed to cancel the sale deed within a period of three weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(c)the petitioner shall report before the respondent police daily at 10.30 a.m.,until further orders;

(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;

(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 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;

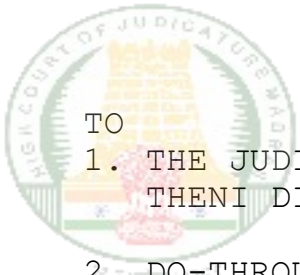
(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, AANDIPATTI,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE
VARASANADU POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.M.KARUNANITHI Advocate SR.No.6680

ORDER

IN

CRL OP(MD) No.4562 of 2019

Date :12/04/2019

MS/MMS/SAR-4/26.04.2019/3P.6C