



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

Friday, the Twelfth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.5434 and 5448 of 2019

RAMESH

... PETITIONER / ACCUSED NO.2

IN CRL OP(MD)NO.5434 of 2019

MUTHUPILLAI

...PETITIONER/ACCUSED NO.5

IN CRL OP(MD)NO.5448 of 2019

Vs

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

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : Mr.A.UTHAYAKUMAR for MR.M.KARUNANITHI Advocate
(IN CRL OP(MD)NO.5434 of 2019)

For Petitioner : MR.M.KARUNANITHI Advocate
(IN CRL OP(MD)NO.5448 of 2019)

For Respondent : MR.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)(IN BOTH PETITIONS)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody since 17.03.2019 for the offence punishable under Sections 417, 419, 420, 465, 468 and 471 of IPC in Cr.No.46 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner is the owner of the property. 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 petitioners.

3.The learned counsel for the petitioners 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.

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

"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."

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

5.Considering the facts and circumstances of the case and considering the period of incarceration 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 bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Andipatti, Theni District, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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 petitioners shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners 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]**; and;



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

sd/-

12/04/2019

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/ 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,
VARUSANADU POLICE STATION,
THENI DISTRICT.
- 4 THE OFFICER INCHARGE,
SPECIAL PERISON FOR WOMEN, MADURAI.
- 5 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE OFFICER INCHARGE, SPECIAL PRISON, MADURAI.

+2. CC to Mr.M.KARUNANITHI Advocate SR.No.6678,6679

PS/MMS/SAR-4/12.04.2019/3P/9C

ORDER

IN

CRL OP(MD) Nos.5434 and 5448 of 2019

Date :12/04/2019