



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7711 of 2019

Shanmuganathan,

... Petitioner/Accused No.5

Vs

State Rep by
The Inspector of Police,
District Crime Branch (DCB),
Ramanathapuram,
Ramanathapuram District.
(Crime No.09/2019).

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi

For Respondent : Mr.Neelakandan,
Additional Public Prosecutor

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

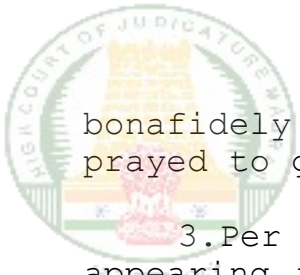
PRAYER :-

For Anticipatory Bail in Crime No.09/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420, 419, 120(B) of IPC in Crime No.09 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that the petitioner has signed as witness in the sale deed, executed by A-1 in favour of A-3. He further submitted that the petitioner has



bonafidely acted as witness without any intention. Therefore, he prayed to grant anticipatory bail to the petitioner.

3. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the property, which is situated in S.No.64/4A of Manikkaneri Village belongs to the defacto complainant. But, with a view to grab the said land, A-1 by using the name in similarity has executed the sale deed on 12.01.2010 in favour of A-3 and in the said sale deed, the petitioner herein signed as one of the witnesses. He further submitted that the investigation is in progress and hence, he strongly opposed this petition.

4. Taking into consideration of the aforesaid submission made by the learned counsel for the petitioner that the petitioner stood only as a witness and apart from that, he has acted bonafide and also the fact that the transaction took place in the year 2010, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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, No.I, Ramanathapuram 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

a) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

b) the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

c) the petitioner shall not abscond either during investigation or trial.

d) the petitioner shall not tamper with evidence or witness 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.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

sd/-
12/06/2019

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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 NO. I,
RAMANATHAPURAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

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

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

+1 CC to MR.D.BALAMURUGA PANDI, Advocate (SR-9548[I] dated
13/06/2019)

ORDER
IN
CRL OP(MD) No.7711 of 2019
Date :12/06/2019

VS
AE/JC/SAR-IV (18.06.2019) 5P 6C