



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.924 of 2019

K.DHANABALAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
APPANTHIRUPPATHY POLICE STATION,
MADURAI DISTRICT.
CRIME NO.163/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.SANTHANAM, 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 offences punishable under Sections 120(b), 406, 420, 419, 468, 471 and 506(i) of I.P.C, in Crime No.163 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons approached the defacto complainant and mortgaged the property to the tune of Rs.5 lakhs by submitting original sale deed. Further, the defacto complainant found that the property, which was mortgaged by A1,2,3 and 6 belongs to some other persons and their Aadhar cards were impersonated by A1 and mortgaged the property. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner arrayed as A2, in fact, he is the original owner of the land. The other accused was impersonated by A1 and mortgaged his property with the defacto complainant and received a sum of Rs.5 lakhs. In fact, the co-accused filed a complaint before the Jurisdictional Magistrate seeking direction under Section 156(3) of Cr.P.C., to register a complaint. Unfortunately, the petitioner has been falsely implicated as accused in this case.



4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Considering the facts and circumstances of the case, 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 his appearance before the learned Judicial Magistrate No.V, Madurai 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
APPANTHIRUPPATHY POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.R.SANTHANAM Advocate SR.No.1472

ORDER IN

CRL OP(MD) No.924 of 2019

Date :25/01/2019