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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8429 of 2020

T.Logagurunathan

... Petitioner/Accused No.4

Vs

State Represented by
The Inspector of Police,
District Crime Branch Madurai.
(Crime No. 9 of 2020).

... Respondent/Complainant

For Petitioner : Mr.T.C.S.Thillainayagam,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

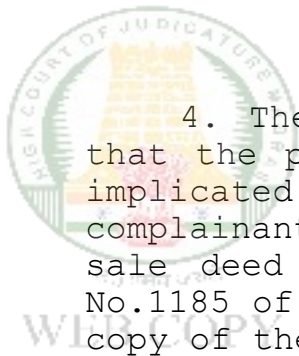
PRAYER :-For Anticipatory Bail in Crime No. 9 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 463, 465, 467, 468, 471 & 420 of I.P.C., in Crime No.9 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the disputed property originally belongs to the mother of the defacto complainant. The allegation against the petitioner is that he has created a forged lease deed and the same has been executed in favour of one Ponnalagu Servai. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the defacto complainant's mother Sarojini Aachi already executed a registered sale deed in favour of the petitioner on 24.07.1969 in document No.1185 of 1969 and in support of his contention, he has produced a copy of the registered sale deed and also submitted that the defacto complainant with malafide intention to grab the property the instant complaint has been given. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the co-accused were enlarged on bail.

6.Considering the rival submissions and also considering the fact and circumstances of the case and on perusal of material records available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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.I, Madurai , and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 shall report before the respondent police as on 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
 - 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.C.VAKEESWARAN, Advocate (SR-6015[I] dated 20/08/2020)

ORDER
IN
CRL OP(MD) No.8429 of 2020
Date :19/08/2020

KSA
AE/AKM/SAR-III (20.08.2020) 3P 6C