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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/08/2020

PRESENT

**The Hon'ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.8488 of 2020

Asif @ Asif Ali

... Petitioner/Accused No.6

**Vs**

The State Rep. by  
The Inspector of Police,  
District Crime Branch,  
Ramanathapuram District.  
Crime No.11 of 2019.

... Respondent/Complainant

For Petitioner : M/s.J.M.Hassanul Bazari,  
Advocate.

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

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

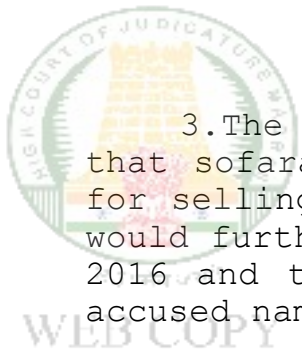
**PRAYER :-**

For Anticipatory Bail in Crime No.11 of 2019 on the file of the Respondent Police

**ORDER :** The Court made the following order :-

Totally there are six accused in this case. The petitioner/Accused No.6 apprehending arrest at the hands of the respondent police for the offence punishable under Section 420 of I.P.C., in Crime No.11 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A-2 is the owner of the property and A-1 to A-5 promised to sell the property in favour of the de-facto complainant and also received money. Subsequently, they failed to execute the sale deed. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that sofaras this petitioner is concerned, he is acted as a broker for selling the property in favour of the de-facto complainant. He would further submit that the occurrence was taken place in the year 2016 and the crime was registered in the year 2019 and the other accused namely, A-4 and A-5 were already released on bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is only acting as a broker and the co-accused were released on bail, I am 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, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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)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 and 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

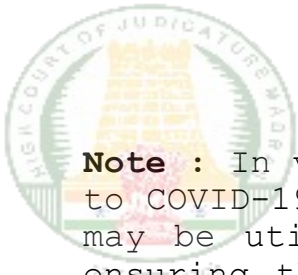
sd/-

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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.

**TO**

1. THE JUDICIAL MAGISTRATE No.II,  
RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP (MD) No.8488 of 2020  
Date :17/08/2020

SJI  
TE/AKM/SAR-II : 19/08/2020 : 3P/5C