



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1215 of 2021

T.Sundaravel

... Petitioner/Accused No.1

Vs

The State rep by its
The Inspector of Police,
Special Cell For Prevention of Land Grabbing,
Ramanathapuram
in Cr.No.7/2016.

... Respondent/Complainant

For Petitioner : M/s.Gowrishankar.R,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in C.C.No.1/2020 on the file of the Judicial Magistrate No.2, Ramanathapuram in Crime No.7/2016 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 420, 423, 465, 468, 471 r/w 120(b) of IPC in Crime No.7 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the present complaint was lodged.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that when the First Information Report was registered, the name of the petitioner was not found place and when the investigation was completed, the respondent police added the petitioner as an accused and filed the charge sheet in C.C.No.1 of 2020 and the petitioner was not aware about the same. Due to the non-appearance of the petitioner, the Court below issued non-bailable warrant. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that investigation in this case has been completed and charge sheet also filed before the learned Judicial Magistrate No.2, Ramanathapuram. Due to non-appearance of the petitioner, the Court below issued non-bailable warrant.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.2, Ramanathapuram, Ramanathapuram District, 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 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 appear before the Court below on all hearing dates without fail;

(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;

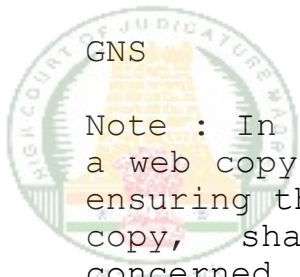
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19.03.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



GNS

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.2,
Ramanathapuram,
Ramanathapuram District.
- 2.-Do- Through The Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
Special Cell For Prevention of Land Grabbing,
Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.GOWRISHANKAR, Advocate (SR-2385[I] dated 23/03/2021)

ORDER
IN

CRL OP(MD) No.1215 of 2021
Date : 19/03/2021

VB VR SAR 2(24.03.2021) 3P 6C