



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.1620 of 2021

M.Marikannan

... Petitioner/Accused No.5

Vs

1.State rep. By

The Inspector of Police,
District Crime Branch,
Madurai, Madurai City.
In Crime No.10 of 2019.

... Respondent/Complainant

(*) 2.V.Shanmugam

... 2nd Respondent/Proposed Respondent

**(*)R2 Impleaded as per order of this Court made
in CRL MP(MD) No.4198/2021 in CRL OP(MD) No.1620
of 2021 dated 02.07.2021 by GRSJ.**

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to enlarge the Petitioner/Accused No.5 on bail in the event of his arrest or surrender in connection with the Crime No.10 of 2019 on the file of the Respondent Police.

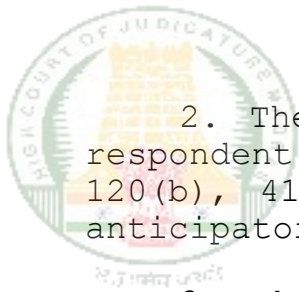
For Petitioner : Mr.R.Shankar Ganesh,
Advocate

For Respondent No.1 : Mr.T.Senthil Kumar
Govt. Advocate (Crl. Side)

For Respondent No.2 : Mr.M.Solaisamy,
Advocate

O R D E R

Heard the learned counsel for the petitioner, the learned Government Advocate and the learned counsel for the Intervenor.



2. The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 419, 465, 468, 471 and 420 in Crime No.10 of 2019, seeks anticipatory bail.

3. The case involves creation of a fraudulent document. The earlier petition for Anticipatory Bail filed by the accused was allowed by this Court, on condition that the offending document would be cancelled. Since the undertaking was not honoured, the Anticipatory bail came to be cancelled. Later some of the Co-accused were also arrested.

4. Be that as it may, now the offending document has been cancelled. That is the specific submission made by the learned counsel for the petitioner. This statement is also confirmed by the learned counsel for the intervenor. Since the undertaking originally filed before us has now been honoured, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Special Court for Anti Land Grabbing Cases (JM Level), Madurai, and execute a fresh personal bond for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions 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 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]**.

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

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02/07/2021

/ TRUE COPY /

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

TO

1 THE JUDGE,
SPECIAL COURT FOR ANTI LAND GRABBING CASES
(JM LEVEL), MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI, MADURAI CITY.

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

+1. CC to M/S.DICTUM LAW FIRM Advocate SR.No.4326

ORDER
IN
CRL OP(MD) No.1620 of 2021
Date :02/07/2021

KMM
JM/JC/SAR V/07.07.2021/3P/6C