



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

Date : 23/03/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.4231 of 2021

S.Sivan ... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch(ALGSC),
Madurai District.
Crime No.18/2019.

... Respondent/Complainant

For Petitioner : Mr.B.Vinothkumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.18 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 419, 465, 468, 471 and 420 of I.P.C., in Crime No.18 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner's previous petitions for anticipatory bail have been successively dismissed. As rightly pointed out by the learned Government Advocate(Crl. Side), this criminal original petition will clearly not lie. However, the petitioner's counsel states that he is pressing for relief only on medical grounds. It is stated that the petitioner has been in ICU for the last few months.

4. The medical records indicate that the petitioner is undergoing regular dialysis as his kidneys have failed. Tamil Nadu is yet to be the outbreak of pandemic and that therefore, arrest of the petitioner at this stage may even endanger the petitioner's



life. Of course, the allegations made against the petitioner are fairly serious. He is said to have impersonated the defacto complainant and got power deed executed in his name and based on the same, effected conveyance. In fact apart from the case on hand, one other case is pending against the petitioner.

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5. Even though all the circumstances are adverse to the petitioner, considering the fact that he is a dialysis patient, 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 before the learned Judicial Magistrate, ALGSC, Madurai, and on his executing 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 the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
23/03/2021

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/ /2021
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, ALGSC, MADURAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH(ALGSC), MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.VINOTH KUMAR, Advocate (SR-2423[I] dated 23/03/2021)

ORDER IN
CRL OP(MD) No.4231 of 2021
Date :23/03/2021

PMU

<https://hmcvc.e-courts.gov.in/hcvc/cases/MS/EN/2021/03/23/2P.6C>