



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.8077 of 2021

G.Indira

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No.76 of 2021)

... Respondent/Complainant

Akniraj

... Petitioner/Intervenor/
Defacto Complainant
in Crl.MP (MD) No.4281/2021
in Crl.OP (MD) No.8077/2021

For Petitioner : Mr.S.Balaji for
Mr.S.M.Anantha Murugan
For Respondent : Mr.Anbunithi
Additional Public Prosecutor
For Intervenor : Mr.A.Vadivel, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 76 Of 2021 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 406 and 420 of IPC, in Crime No.76 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.Heard, the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondent and the learned counsel for the defacto complainant.



3.The intervenor has produced the copy of the alleged sale deed agreement, since the agreement was entered between the petitioner and the defacto complainant. But the petitioner has denied her signature in the document. In these circumstances, the question arises as to whether the petitioner has signed in the document or not, which can be found only during the course of investigation and trial. Moreover, the second accused has also sent a notice to the wife of the defacto complainant stating that he was co-accused by her demanding measurement of the property and in the sale agreement between the parties, he acted as a broker.

4.It is seen from the records that it involving civil dispute also and only during the course of investigation and trial, the genuineness of the petitioner's signature can be found.

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

6.The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.II, Virudhunagar, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate and on further conditions that:

[a] 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 abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
28/06/2021

/ /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 No.II,
VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8077 of 2021
Date :28/06/2021

TTA
TE/MNR/SAR-I : 12/07/2021 : 3P/5C