



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

Date : 13.08.2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.8720 of 2021

1. M.Ukirapandi
2. U.Amaravathi

... Petitioners/Accused

Vs

The State Rep. by,
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai, Madurai.
(Crime No.2404 of 2020).

... Respondent/Complainant

For Petitioner : Mr.C.K.Chandrasekaran, Advocate for
Mr.A.Rahul, Advocate
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

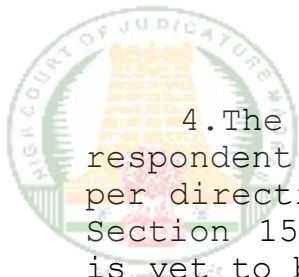
For Anticipatory Bail in Crime No.2404 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 468 IPC in Crime No.2404 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are close relatives. The defacto complainant got a job opportunity in abroad and hence, he let the petitioners to stay in his house for some time to maintain the house. After returning from abroad, he requested the petitioners to vacate the house. But the petitioners demanded lease amount of Rs.3,00,000/- by showing a forged lease agreement as if the house was leased out. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the present case was registered as per direction of the learned Judicial Magistrate No.4, Madurai under Section 156(3) Cr.P.C. He further submitted that the investigation is yet to be completed.

5.Considering the nature of allegations levelled against the petitioners, their age and relationship between the parties, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.6, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police every Monday at 10.30 am., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

sd/-
13/08/2021

/ TRUE COPY /

/ /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.6,
MADURAI.
2. THE JUDICIAL MAGISTRATE NO.4,
MADURAI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKKOTTAI POLICE STATION,
NAGAMALAI, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8720 of 2021
Date :13/08/2021

gns
USK/PN/SAR-I : 19/08/2021 : 3P/6C