



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12414 of 2021

Rengaraj

... Petitioner/Petitioner

Vs

State rep.by
The Inspector of Police,
DCB Police Station,
Karur,
Karur District.
(FIR No.4/2020)

... Respondent/Complainant

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

For Respondent : M/s.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.4 of 2020 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 offence punishable under Sections 420, 465, 468 and 471 IPC, in Crime No.4 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that a land in Survey Nos.166/5, 230/1, 230/5, 231/3 situated at Sepalapatty Village, Neithalur Colony (Post) is the ancestral property of the petitioner. The petitioner's father, through forged documents, registered a gift deed in favour of the petitioner on 07.10.2005, based on which, the petitioner obtained patta in his name. He mortgaged the said land in a Bank and obtained loan from there. But, the said patta was cancelled on 11.06.2019. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that this Court, vide order dated 01.12.2020, in CrI.O.P.(MD) No.13707 of 2020, granted anticipatory bail to the petitioner. Since the petitioner could not arrange the sureties in time, the order of granting anticipatory bail was cancelled. Therefore, he has filed the second anticipatory bail petition.

4. The learned Government Advocate (CrI. Side) affirmed the submission made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that since the petitioner could not arrange the sureties in time, the order of granting anticipatory bail to the petitioner was cancelled, this Court is inclined to allow the second anticipatory bail petition.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kulithalai, Karur District, on condition that he 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 learned Magistrate concerned 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 the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
07/09/2021

/ TRUE COPY /

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

OGY

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,
Kulithalai, Karur District.
2. The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
DCB Police Station, Karur,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12414 of 2021
Date : 07/09/2021