



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/01/2021

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PRESENT

The Hon'ble Mr. Justice M. NIRMAL KUMAR

CRL OP(MD)No.15760 of 2020

Kavitha

... Petitioner/Accused No.1

Vs

The State rep. by
The Sub-Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
Crime No.305/2020.

... Respondent/Complainant

For Petitioner : Mr. Jothi Basu.M,
Advocate.

For Respondent : Mr. R. Srinivasan,
Government Advocate (Criminal Side)

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

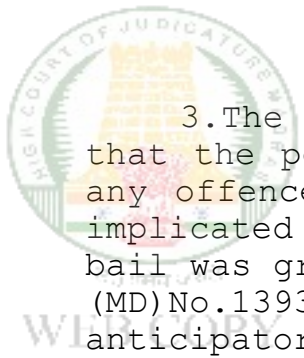
PRAYER :-

For Anticipatory Bail in Crime No.305/2020 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 offences punishable under Sections 419, 467, 468, 406, 420 IPC in Crime No.305 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the original owner of the property and mortgaged the said property with the defacto complainant and availed loan to the tune of Rs.2 lakhs. Thereafter, the accused persons failed to repay the said amount. Thereafter, the defacto complainant has verified and came to understand that the petitioner is not the original owner of the property and impersonated the title over the property only on the instigation of the A2 and A3 fabricated the document and mortgaged with the defacto complainant and availed loan to the tune of Rs.2 lakhs. Hence, the present complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that anticipatory bail was granted to A2 and A3 in this case by this Court in Crl.O.P. (MD)No.13930 of 2020, on 03.12.2020. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the investigation is pending.

5.Considering the above facts and circumstances of the case and considering the fact that the co-accused were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.305 of 2020 before the Judicial Magistrate Court, Aruppukottai. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Aruppukottai, on condition that the petitioner 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 appear before the 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]; and;



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

sd/-

29/01/2021

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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,
ARUPPUKKOTTAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB-INSPECTOR OF POLICE,
ARUPPUKKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-583[I] dated 01/02/2021)

ORDER

IN

CRL OP(MD) No.15760 of 2020

Date :29/01/2021

GNS

SRS/JC/SAR-II/08.02.2021/3P/6C