



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17742 of 2021

P.Ilango

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.20 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Anandkumar N, Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.20 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 423, 465, 467, 468 and 471 I.P.C., in Cr.No.20 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a physically challenged person, that her father, while he was alive, purchased two plots in Mekkudi Village, vide document No.8049. Now, the defacto complainant came to know that one Marimuthu, S/o Kannan had created forged documents and impersonated her father and executed a power of attorney and subsequently, a sale deed was executed. Hence, the present complaint.



3. The learned counsel for the petitioner would submit that the petitioner is a Medical Practitioner, that he is aged about 70 years, that he is innocent and that a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is a Medical Practitioner and in this case, he is the person, who gave life certificate in the name of Kannan and that despite issuance of summons, the petitioner has not appeared before the respondent police.

5. But the learned Counsel for the petitioner would submit that only after registration of First Information Report on 07.10.2021, the respondent police issued summons on 11.10.2021 directing the petitioner to appear on 13.10.2021.

6. Considering the fact the petitioner is a Medical Practitioner, aged about 70 years and that he is not having any previous case of similar offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Additional Mahila Court, Trichirappalli, in-charge of Special Court for Land Grabbing Cases, Trichirappalli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

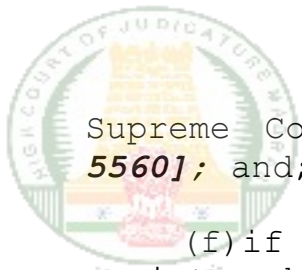
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30a.m., for period of one month 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 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]**; and;

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

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Sd/-
16/11/2021

/ TRUE COPY /

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

SSL

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 JUDGE, ADDITIONAL MAHILA COURT,
TRICHIRAPPALLI,
(IN-CHARGE OF SPECIAL COURT FOR
LAND GRABBING CASES,
TRICHIRAPPALLI).
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANANDKUMAR N Advocate SR.No.8187

ORDER
IN
CRL OP(MD) No.17742 of 2021
Date :16/11/2021