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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18209 of 2021

Sambath @ Karunakaran

... Petitioner/Rank Not Known

Vs

State rep.by
The Inspector of Police,
District Crime Branch(DCB),
Trichy.
(Crime No.9 of 2019).

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj,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.9 of 2019 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, 471 and 506(i) IPC, in Crime No.9 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had executed the sale deed in the year 2012, as if the *defacto* complainant's father Mr.Subramanian was alive and the second accused signed in the alleged deed as Mr.Subramanian. Hence, the complaint.



3.The learned counsel for the petitioner would submit that petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the co-accused was already enlarged on bail. Hence, prays for anticipatory bail.

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4.The learned Additional Public Prosecutor would submit that the investigation has already been completed, that the charge sheet is going to be filed shortly and that the petitioner is not having any previous case to his credit.

5.Considering the facts and circumstances of this case, age of the petitioner and also the facts that the investigation has already been completed and charge sheet is going to be filed shortly and that the co-accused was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judicial Magistrate (FAC), Special Court for Exclusive Trial of 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 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 trial Court daily at 10.30 am for a 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
22/11/2021

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

PNM

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 SPECIAL JUDICIAL MAGISTRATE (FAC),
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
LAND GRABBING CASES,
TIRUCHIRAPPALLI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ARUNRAJ.K. Advocate SR.No.8400

ORDER
IN
CRL OP(MD) No.18209 of 2021
Date :22/11/2021