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

Date : 06.04.2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.4818 of 2022

Kaliraj ...Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.543/2020)

... Respondent/Complainant

For Petitioner : Mr.N.Mariappan, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.543 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent Police punishable under Sections 468, 420, 506(i) of IPC in Crime No.543 of 2020, seeks anticipatory bail.

2. The allegation levelled against the petitioner is that the petitioner along with other accused created fraudulent documents and took over the possession of the property of the defacto complainant and leased out the property to TASMAL.

3. This is the third anticipatory bail petitions. The earlier two anticipatory bail petitions were dismissed by this Court on 23.08.2021 and 02.12.2021, considering the antecedent of the petitioner.



4. The learned counsel for the petitioner submits that the petitioner, who was running the TASMAC bar, has already vacated the premises, after the lease period expired in the month of December 2021. He has also filed an affidavit to that effect.

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5. The learned Additional Public Prosecutor has also confirmed the same.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner has already vacated the premises, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered 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, Sattur, 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 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 Aadhaar 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 two weeks and thereafter, as and when required;

[c]the petitioner shall not tamper with the 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.

Sd/-

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



1. THE JUDICIAL MAGISTRATE NO.II,
SATTUR.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MARIAPPAN N Advocate SR.No.2994

ORDER
IN
CRL OP(MD) No.4818 of 2022
Date :06/04/2022

SP/RJ/SAR IV/18/04/2022/3P/6C