



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

Date : 18/05/2022

PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI
CRL OP(MD). No.9363 of 2022

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Sudhakar @ Edwin Sudhakar ... Petitioner/Accused NO.4

Vs

State Rep by
The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.
(Crime No.28 of 2017) ... Respondent/Complainant

For Petitioner : Mr.M.Prabu
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2017 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 419, 420, 294(b) & 506(i) IPC, in Crime No.28 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A3 is the close relative of the defacto complainant. In the year 2008, the petitioner and A3 approached the defacto complainant to sell the property in S.Nos.128/1, 28/4, 29, 31/4 (totally 42.29 acres) by stating that those properties are belonging to A1 and A2 and demanded Rs.15,000/- per acre and the defacto complainant obtained a power deed executed by them. When the defacto complainant applied for encumbrance certificate, he came to know that all the accused conspired together and by impersonation, executed a power deed in favour of him. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submits that the petitioner is the friend of A1 and he has also played an important role in creating and fabricating the false document. He further submits that other accused persons are still absconding. Hence, he opposed for grant of anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and since the FIR has been registered in the year 2017, there is no possibility of tampering with the evidence, 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 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, Kovilpatti, Thoothukudi, 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 on every Wednesday at 10.30 a.m. for a period of three months and as and when required for interrogation.

[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]**.

sd/-
18/05/2022

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

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TO

1. The Judicial Magistrate No.II, Kovilpatti, Thoothukudi.
2. Do Through The Chief Judicial Magistrate,
Thoothukudi.
3. The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.9363 of 2022
Date : 18/05/2022

TR/VR/SAR-IV(23.05.2022) 3P 5C