



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

Date : 18/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.11586 of 2022

Dinesh Kumar

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Madurai District.
Crime No. 20 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karunanidhi R, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 20 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471, 406, 420 IPC, in Crime No.20 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was working in abroad, his brother one Hakkim has forged the document, with the connivance of other accused, which stands in the name of the defacto complainant, as if the defacto complainant and said Hakkim had equal share in the alleged property. The alleged document was also produced before the trial Court in O.S.No.128 of 2016 and the trial Court has given a categorical finding that the alleged document is a forged one and hence the suit was dismissed, against which, an appeal was preferred in A.S.No.156 of 2021, that was also dismissed as withdrawn. In order to take criminal action against the accused person, the defacto complainant had lodged this complaint.



3. The learned counsel for the petitioner submitted that the petitioner is only an attesting witness in the above said document.

4. The learned Additional Public Prosecutor for the respondent Police submitted that the petitioner is an attesting witness in the disputed document and he is not having any bad antecedents. The investigation is also not yet completed.

5. Perusal of records reveals that suit in OS No.128 of 2016 was dismissed, on the ground that the disputed document was not proved properly. It is seen that no step has been taken by the defacto complainant before the trial Court to take action under Section 340 of Cr.P.C, against the accused persons and has filed the present complaint.

6. Considering the facts and circumstances of this case and the overt act attributed against the petitioner and that the petitioner is not having any previous bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Madurai 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
18/07/2022

/ TRUE COPY /

/07/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-7299[I] dated 19/07/2022)

ORDER

IN

CRL OP(MD) No.11586 of 2022

Date :18/07/2022

pnm

USK/SVR/SAR-I/28.07.2022/3P/6C