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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.17169 of 2022

Arulananthu

... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
(Crime No.102 of 2019).

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J, Advocate.

For Respondent : Mr.E. Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.102 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 294(b), 468, 420 and 506(i) IPC in Crime.No.102 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased the disputed property in S.No.90/3 in respect of vacant site in Plot No.313 with an extent of 2400 Sq. Ft., from the power agents and in such situation, the petitioner herein with the connivance of other accused sold the property in Plot.No.313 by creating bogus documents. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner has already obtained anticipatory bail from the the Principal District and Sessions Judge, Sivagangai on 30.08.2019. Subsequently, the petitioner was affected with paralysis and hence, he could not comply the conditions. In such circumstances, the petitioner has filed the present petition seeking anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that totally three accused involved in this case and the A1 was already arrested and released on bail by this Court and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused was already 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 District Munsif Cum Judicial Magistrate, Thiruppathur, 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 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 appear before the respondent Police 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/-
01/11/2022

/11/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUPPATHUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
NACHIYAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHIL KUMARAIAH J Advocate SR.No.12192

ORDER
IN
CRL OP(MD) No.17169 of 2022
Date :01/11/2022

SP/SSS/SAR II/08/11/2022/3P/6C