



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

Date : 08/11/2022

PRESENT

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

CRL OP(MD) . No.20097 of 2021

1. Mohan
2. Ramesh
3. Mahesh

... Petitioners/Accused Nos.4 to 6

Vs

The State Rep. By,
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No. 129 of 2014.

... Respondent/Complainant

For Petitioners : M/s.Mariappan N,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.129 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 120(b), 406, 420, 468, 471, 506(i) of IPC and Section 4 of TNPHW Act, in Crime No.129 of 2014, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused persons obtained legal heir certificate leaving behind the defacto complainant, who is the sister of the first petitioner and sold the family property to the third party illegally. Hence, the complaint.

3.When the matter was taken up for hearing on 28.07.2022, the learned Government Advocate (Crl. side) stated that investigation has been completed and final report has also been filed and the same was taken on file in C.C.No.83 of 2022 and this Court directed the



Registry to call for report from the concerned Court as to whether a summons or warrant has been issued to the petitioners.

4. In pursuance of the direction of this Court, the learned Judicial Magistrate, Vadipatti, has submitted a report, dated 17.08.2022, stating that since all the accused were absent, Non-Bailable Warrant was ordered to be issued and the case was posted for appearance of the accused.

5. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that due to non-appearance of the petitioner, non-bailable warrant was issued against them and the same was not executed till date and the case is pending without any progress. Further, at this stage, if he released on bail, he would abscond and also he will tamper the witnesses and hamper the evidence. Hence, he opposed to grant anticipatory bail.

6. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that in this case, charge sheet has already been filed and the same was taken on file as C.C.No.83 of 2021 before the learned Judicial Magistrate, Vadipatti and the case is pending under trial stage, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

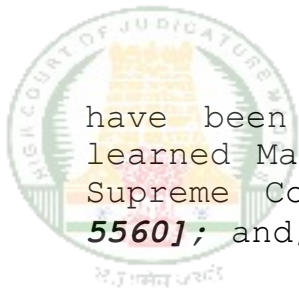
a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

b) the petitioner shall report before the trial Court on every hearing without fail.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions



have been imposed and the petitioners released on bail. 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/11/2022

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/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
VADIPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.MARIAPPAN, Advocate (SR-12759[I] dated 10/11/2022)

ORDER

IN

CRL OP(MD) No.20097 of 2021

Date : 08/11/2022

cp

USK/VR/SAR-III/01.12.2022/3P/6C