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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

PRESENT

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

CRL OP (MD) . No.18724 of 2022

M.Packialakshmi

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No.227/2022).

... Respondent/Complainant

For Petitioner : M/s.Balaji A, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.227/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120-B, 255, 465, 468, 471, 472, 473 & 467 of IPC, in Crime No.227 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner approached the defacto complainant and told that a house with vacant site is available for sale. On believing his words, the defacto complainant agreed to purchase the above said house and on 18.03.2022, the complainant paid a sum of Rs.10,500/- as advance. But, thereafter, he did not execute any sale deed. Hence, he verified the title of the said property and he came to know that on the date of advance paid by the petitioner, the property was stood



in the name of the first petitioner's father. Without having circle over the property, the first petitioner received advance from the defacto complainant. Later, on 06.04.2022, the settlement deed was executed in favour of the petitioner in support of the fabricated documents. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioners are innocents and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is only a document writer and it is not the duty of the petitioner/document writer to verify the genuineness of the supporting documents before executing a deed. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that since the matter is civil in nature and the investigation is not yet completed. Hence, 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 offence is civil in nature, 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 her arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Arupukottai, on condition that the petitioner 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 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 report 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
04/11/2022

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

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ARUPUKOTTAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALAJI A Advocate SR.No.12576

ORDER
IN
CRL OP(MD) No.18724 of 2022
Date : 04/11/2022

SP/BUC/SAR II/16/11/2022/3P/6C