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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.18735 of 2022

Senguttuvan

... Petitioner/Accused No.9

Vs

State rep.by
The Inspector of Police,
District Crime Branch Police Station,
Madurai District.
(In Crime No.24/2021).

... Respondent/Complainant

For Petitioner : M/s.Jinnah S M A, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.24/2021 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 120B, 419, 420, 465, 468 and 471 IPC in Crime.No.24 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that A1 with the connivance of the other accused persons, had impersonated, created a forged document and executed a sale and sold the property to different purchasers and the said document was registered by the petitioner herein. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as



alleged by the prosecution and his name has been falsely implicated in this case and seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally 10 accused involved in this case and the petitioner herein is arrayed as A9. He would further submit that at the time of registration the petitioner herein was working as a Sub Registrar and without verifying the documents he has registered the sale deed. He would further submit that A1 and A2 have already been granted anticipatory bail by this Court and five witness have been examined. He further contended that investigation of the case is not yet completed and he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on bail and the five witnesses have been examined, 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 Special Judicial Magistrate for Land Grabbing Cases, 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 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/-
08/11/2022

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

TRP

TO

1. THE SPECIAL JUDICIAL MAGISTRATE
FOR LAND GRABBING CASES, MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18735 of 2022
Date :08/11/2022

SP/BUC/SAR I/18/11/2022/3P/5C