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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.19218 of 2022

B. Suresh ... Petitioner/
Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
Land Grabbing Special Wing,
Pudukkottai District.
(Crime No.6/2021). ... Respondent/Complainant

For Petitioner : M/s. Narayanan.V.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No.6/2021 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 120 (b), 420, 467, 468 and 471 IPC in Crime.No.6 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that one Kumaran created a forged document to their property and on the basis of that document, the petitioner,, who is working as a Revenue Inspector, executed a gift deed in favour of other accused persons and in turn they have executed a power of attorney in favour of 4th accused. Hence, the complaint.

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3. The learned counsel for the petitioner would sub at based on the registered documents only the petitioner, who is working as a Revenue Inspector, has issued a patta to the accused persons. He would further submit that the petitioner is innocent and he is no way connected with the offence and his name has been falsely implicated in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally 13 accused involved in this case and the defacto complainant is the owner of the property. He would further submit that the petitioner has given a patta to the fabricated documents. He further contended that A2 and A3 already 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 Judicial Magistrate No.II, Pudukkottai, Pudukkottai District, 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 twice a week i.e., on every Saturday and Sunday at 10.30 a.m., until further orders;

(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;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/11/2022

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

TRP

TO

1.THE JUDICIAL MAGISTRATE NO.II,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

3.THE INSPECTOR OF POLICE,
LAND GRABBING SPECIAL WING,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.G.MATHAVAN, Advocate (SR-12241[I] dated 02/11/2022)

ORDER
IN
CRL OP(MD) No.19218 of 2022
Date :01/11/2022

RK/GB/SAR-1 (08/11/2022) 3P/6C

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