



WEB COPY

CRL OP(MD). A



22

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

Date : 30/11/2022

PRESENT

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

CRL OP(MD). No.21125 of 2022

Duraisamy,

... Petitioner/Accused No.3

Vs

State Rep.by  
The Inspector of Police,  
Dcb Police Station,  
Tirunelveli District.  
Crime No. 15 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik M S, Advocate.

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

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

PRAYER :-

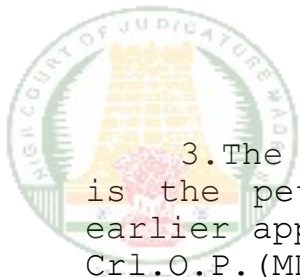
For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 419, 465, 468, 470, 471, 420 and 120B IPC in Crime No.15 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant approached the petitioner for purchasing a land and the petitioner acted as a broker between A1 and A2 and the de-facto complainant. As per the above agreement, the de-facto complainant paid a sum of Rs.8,00,000/- as a sale consideration. Further, one another adjacent land was also sold by the accused persons to the de-facto complainant's friend's mother namely, Pushpam for a sale consideration of Rs.5,00,000/-. Later, they came to know that the above lands did not belong to the first accused and they were

<https://www.mca.gov.in>



3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 26.10.2022 in CrI.O.P.(MD)No.17740 of 2022. He would further submit that pending civil suit in O.S.No.396 of 2022 before the learned II Additional District Munsif Court, Tirunelveli with regard to the disputed property, the present case has been falsely foisted against the petitioner. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A4 was already granted anticipatory bail by this Court, dated 11.11.2022 in CrI.O.P.(MD)No.18380 of 2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (CrI. side) would submit that A1 namely, Ilayaraja created forged documents as if he purchased the property from the real owner namely, Palanikumar and sold the same to the de-facto complainant with the help of petitioner and the other accused and shared the sale consideration among themselves. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

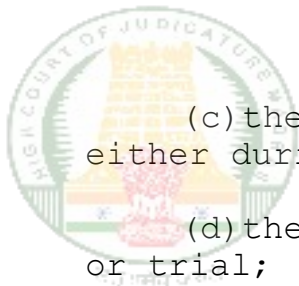
5.Considering the facts and circumstances of the case and also considering the fact that A4 was already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.15 of 2022 before the learned Judicial Magistrate No.I, Tirunelveli**, without prejudice to his rights and contentions before the trial Court.

7.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on 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.I, Tirunelveli 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 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 daily at 10.30 am until further orders.



(c)the petitioner shall not tamper with evidence or 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.

sd/-  
30/11/2022

/ TRUE COPY /

/12/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I  
TIRUNELVELI.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
DCB POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate ( SR-14108[I] dated  
01/12/2022

ORDER  
IN  
CRL OP(MD) No.21125 of 2022  
Date :30/11/2022

SJI  
PKP/VR/SAR-1/15.12.2022/3P/6C