



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.78 of 2023

Lakshmanan

... Petitioner/Accused No.3

Vs.

The State rep. by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District
(Crime No.284 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.Althaf Sheriff, Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

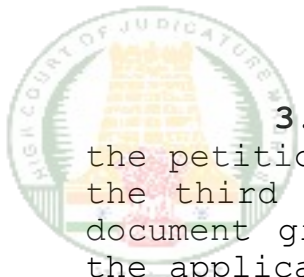
PRAYER :-

For Anticipatory Bail in Crime No. 284 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 I.P.C in Crime No.284 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathish Kumar is that the accused fraudulently fabricated the document and transferred the land belonging to the defacto complainant's mother in the name of the first accused and without proper verification, the accused have allowed the first accused to construct a house under the Chief Minister's Green House Scheme and thereby cheated the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner submit at the petitioner is the panchayat Secretary and he has been arrayed as the third accused in this case. He would submit that based on the document given by the first accused, the petitioner has sanctioned the application and thereby the first accused constructed the house. He would further submit that the petitioner is working as the Government Officer, who has processed the application and other than that, he has not committed any offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner colluded with the main accused and they have fabricated the document to grab the property belonging to the defacto complainant and put up a green house for the first accused. Hence, he prays to dismiss this application.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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, Thirumangalam**, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Station everyday at 10.30 a.m for a period of one week and thereafter as and when required for interrogation;

[c] the petitioner shall not tamper with the 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 [(2022) 13 SCW 5560]**; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

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TO

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-392[I] dated
09/01/2023)

ORDER
IN
CRL OP(MD) No.78 of 2023
Date :06/01/2023

RK/MMS/SAR-2 (24/01/2023) 3P/6C