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CRL OP(MD).



23

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

Date : 07/02/2023

PRESENT

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

CRL OP(MD) . No.2409 of 2023

V.S.Rathinavel

... Petitioner/Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch, Madurai,
Madurai District. (In Crime No.1/2023)..

... Respondent/Complainant

For Petitioner : M/s.Senthil D, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

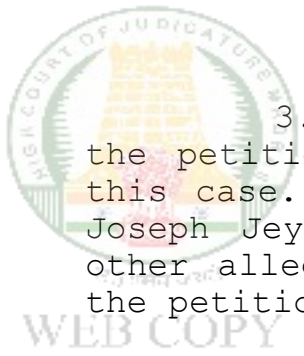
PRAYER :-

For Anticipatory Bail in Crime No.1/2023 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 offence under Sections 120(B), 420, 465, 467, 468, 471 of IPC in Crime No.1 of 2023, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Kandasamy Goundar is that the property in S.No.19/7 *admeasuring* 1 acre 87 cents is his ancestral property. The accused persons conspired together fabricated documents and sold the property to third parties. Hence, the complaint.



3. The learned counsel for the petitioner submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner has sold his ancestral property to one Joseph Jeyaraj/A3 in the year 2010, other than that there is no other allegation against the petitioner. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused had conspired together and sold the property to third parties and the petitioner stood as witness in the document. Hence, prays to dismiss the petition.

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 and considering the nature of dispute between the parties, 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, 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 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 everyday at 10.30 a.m., for a period of two weeks, thereafter, on every Saturday at 10.30 a.m., until further orders;

[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 [(2005) AIR SCW 5560]**; and;

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

sd/-
07/02/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Judicial Magistrate, Land Grabbing Cases, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
District Crime Branch, Madurai,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.SENTHIL D Advocate SR.No.2028(I)

ORDER
IN
CRL OP(MD) No.2409 of 2023
Date :07/02/2023

VA//VR/SAR-1/13.02.2023/3P/6C