



WEB COPY

CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.2917 of 2022

1. Sakarai
2. Pandiammal
3. Meenatchi
4. Mutharasu
5. Aabel

... Petitioners /
Accused Rank not known

Vs

1.State represented by
The Inspector of Police,
Office of the Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.05/2022.)

... Respondent / Complainant

2.M.Balchamy

... Petitioner / Intervener /
Defacto Complainant
in CrI. MP(MD) No.4506 of 2022

For Petitioner : M/s.Maharaja M, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

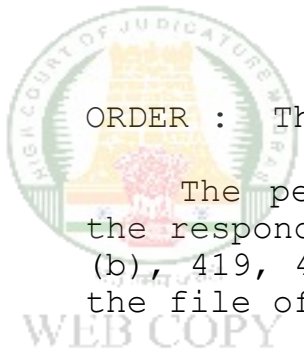
For Intervenor : Mr.M.Jegadeesapandian, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 05 of 2022 on the file of the
Respondent police.

<https://www.mhc.tn.gov.in/judis>



ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120 (b), 419, 420, 465, 468 and 471 of I.P.C., in Crime No.05 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner had created forged documents and registered a gift deed in favour of the third petitioner, which belongs to the de-facto complainant. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there are six accused in this case. The petitioners are arrayed as A1 to A4 and A6. The petitioners 3 and 4/A3 and A4 were already arrested and released on bail. Hence, this petition is dismissed as infructuous in respect of the petitioners 3 and 4/A3 and A4 are concerned.

5.According to the case of the prosecution, the first petitioner/A1 and the de-facto complainant are brothers. A1 with the help of the petitioners 2 and 5, had impersonated the de-facto complainant through A4 and registered sale deed in favour of the third parties. The petitioners 2 and 5 also played major role in the said transactions. However, the second petitioner is the wife of the first petitioner. Therefore, this Court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions:

6.Insofar as the fifth petitioner herein, he is one of the attested witnesses in the alleged sale deed executed in favour of the third party. Therefore, the custodial interrogation of the petitioners 1 and 5 are very much required in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioners 1 and 5 and this petition is dismissed as against the petitioners 1 and 5 are concerned.

7.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Madurai, on condition that the second 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 second 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 1 to ensure their identity.

[b] the petitioners second petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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].

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

sd/-

08/03/2023

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/03/2023

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

SJI

TO

1. The Judicial Magistrate NO.I, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Office of the Inspector of Police,
District Crime Branch,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.JEGADEESPANDIAN, Advocate (SR-3841[I] dated
09/03/2023)

ORDER

IN

CRL OP(MD) No.2917 of 2022

Date :08/03/2023