



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/02/2023
PRESENT

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

CRL OP(MD) . No.2536 of 2023

Ramuthai

... Petitioner/Accused 2

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.DURAIPANDI B,
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.284 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, 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 submitted that the petitioner is the Panchayat President and she has been falsly arrayed as the second accused in this case. He would further submit that based on the document given by the first accused, the petitioner and the Secretary of the Panchayat have sanctioned the loan for construction of a house and other than, that the petitioner



has not committed any offence. Hence, he prays for 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai 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 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 [(2005) AIR SCW 5560]**; and;



[f] if the accused/ petitioner thereafter absconds, a 1 R
can be registered under Section 229-A IPC.

sd/-
08/02/2023

WEB COPY

/ TRUE COPY /

/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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.DURAIPANDI B Advocate SR.No.2076

ORDER

IN

CRL OP(MD) No.2536 of 2023

Date :08/02/2023

SA/VR/SAR.1/21.02.2023/3P/6C