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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

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

CRL OP(MD) . No.2948 of 2023

S.Rajaguru

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
(Crime No.13 of 2023)

... Respondent/Complainant

For Petitioner : M/s.Muthumalai.K,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

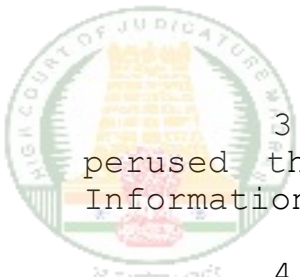
PRAYER :-

For Anticipatory Bail in Crime No. 13 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of I.P.C., in Crime No.13 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Muthurajan, a power agent of Rajaraman and Gunasekar, executed a gift deed on 26.12.2008 in respect of Plot Nos.69 and 70 in Settikuruchi Village for laying a pathway in between the plots. But in respect of the same plots, the power agent Muthurajan executed a sale deed on 03.06.2008 in favour of the defacto complainant. Aggrieved over the same, the defacto complainant lodged the complaint.



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that the petitioner is arraigned as A.2. The first accused sold out the land, which is meant for a road, as per the layout, in favour of the defacto complainant. The said document was prepared by the petitioner and produced before the Sub Registrar for registration. Subsequently, the very same plots were gifted in favour of Chettikurichi Panchayat. In so far as the petitioner is concerned, he has no knowledge about the same, and he is aged about 76 years and as such, the custodial interrogation of the petitioner is not required, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Aruppukkottai, 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, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with 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].

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

sd/-

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/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI.

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2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
PANDALGUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MUTHUMALAI.K Advocate SR.No.3789

ORDER

IN

CRL OP(MD) No.2948 of 2023

Date :07/03/2023

SS/SAR III/15/03/2023/3P/6C