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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

PRESENT

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

CRL OP (MD) No.4013 of 2023

1.S.Renganayagi

2.Sivakumar

3.Jagatheeswari

*** 4.Rajan**

... Petitioners/Accused Nos. 1 to 4

Vs

State rep by
The Inspector of Police,
District Crime Branch,
Theni District.
In Cr.No.8/2023

... Respondent/Complainant

For Petitioners : Mr.C.Susi Kumar, 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.8 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 468, 471, 166, 34 and 120(b) IPC r/w Section 81 of the Registration Act in Crime No.8 of 2023, seek anticipatory bail.

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



2.The case of the prosecution is that there was a property dispute between the parties and the accused persons created forged document and changed all the revenue records. Hence the case.

3.Heard and perused the materials available in the records.

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4.There is a property dispute between the parties and all the allegations are civil in nature. In fact, earlier, a complaint was lodged by the defacto complainant and the same was enquired and closed. Thereafter, private complainant was filed before the concerned jurisdictional Magistrate under Section 156(3) Cr.P.C., and as per the direction of the learned Magistrate, the present FIR has been registered. Therefore, this Court is of the view that custodial interrogation of the petitioners does not require. Hence, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate(Land Grabbing Cases), Theni on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 FII registered under Section 229A IPC.

sd/-
10/03/2023

(*) AMENDED AS PER ORDER OF THIS
COURT DATED 20.04.2023 IN CRL MP
(MD) NO.6369 OF 2023 IN CRL OP(MD)
NO.4013 OF 2023

TWO WEEKS TIME IS EXTENDED TO
COMPLY WITH THE CONDITIONS IMPOSED
BY THIS COURT.

/ TRUE COPY /

/03/2023

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

GNS

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 10/03/2023 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
(LAND GRABBING CASES) THENI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-6368[I] dated 21/04/2023)

ORDER
IN
CRL OP(MD) No.4013 of 2023
Date :10/03/2023

PKP/BUC/SAR-1/21.03.2023/ 3P/6C
ED/MMS/SAR-2 (03/05/2023) 3P 6C