



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

Date : 13/03/2023

PRESENT

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

WEB COPY

CRL OP(MD) . No.4683 of 2023

Chandrasekar

... Petitioner/Accused No.3

Vs

The State rep. by,
The Inspector of Police,
District Crime Branch (Algsc)police Station,
Madurai District.
Crime No.32 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karunanidhi.R,
Advocate.

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

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

PRAYER :-

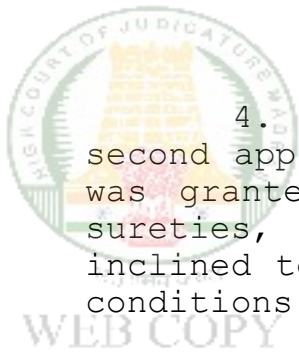
For Anticipatory Bail in Crime No.32 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 120(B) of IPC, in Crime No.32 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the land property comprised in Survey No.131/2A and 131/2C measuring 55 cents owned by one R.Venkateswar Iyer. He had sold this property to one Durai Pandian Pillai, who is none other than the father of the defacto complainant. Taking advantage of the absence of the defacto complainant, A1, who is the neighbour of the said property, impersonated A3 as real owner of the said property and created forged power of attorney in his favour. Thereafter, A1, in turn, executed a sale deed in favour of his wife. Hence, the complaint.

3. Heard both side and perused the materials available on record including the First Information Report.



4. Taking into consideration of the fact that this is the second application for anticipatory bail and earlier the petitioner was granted anticipatory bail and since he is unable to execute sureties, he has filed the present petition, hence this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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 Special Judicial Magistrate, Anti 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 respond to police daily at 10.30 am., until further orders

[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/-
13/03/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The learned Special Judicial Magistrate,
Anti Land Grabbing Cases, Madurai.
2. The Inspector of Police,
District Crime Branch (Algsc) police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO M/S.R.KARUNANITHI, Advocate SR NO.14859(F)

ORDER
IN
CRL OP(MD) No.4683 of 2023
Date : 13/03/2023

NA/SBN/SAR-3/16.03.2023/3P/5C