



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.4233 of 2023

WEB COPY

Murugan @ Balamurugan

...Petitioner/Accused Rank
not known

-vs-

The State rep by
The Inspector of Police,
DCB (District Crime Branch),
Madurai District
(in Cr.No.26 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.26 of 2022.

For Petitioner : M/s.A.Banumathy

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120B, 419, 420, 465, 467, 468, 471 IPC in Crime No.26 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Gnaneshwari is that the first accused impersonating to be the defacto complainant have sold her property to the other accused and thereby cheated her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and one person by name Gnaneshwari approached him stating that she is the owner of the property and believing that, he had introduced her to the fifth accused, who had purchased the property and the petitioner other than getting the brokerage is not connected with the offence. He would also submit that the sale deed has also been cancelled. He would pray for grant of anticipatory bail.



4.The learned Government Advocate (Crl.side) would submit that though it is mentioned in the petition that the petitioner's rank is now known, the petitioner is arrayed as A7 and he has acted as broker in the transaction between the defacto complainant and the fifth accused and he has received the commission. He would also submit that the sale deed registered by impersonation has now been cancelled. He would oppose for grant of anticipatory bail to the petitioner.

5. Heard and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case the petitioner is only a broker, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Special Judicial Magistrate, for 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 report before the respondent police everyday at 10.30 a.m 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/-
03/03/2023

/ TRUE COPY /

WEB COPY

/03/2023

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

CM

To

1.The Special Judicial Magistrate for Land Grabbing Cases,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
DCB (District Crime Branch),
Madurai District

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.BANUMATHY, Advocate (SR-3461[I] dated 06/03/2023)

ORDER IN
CRL.O.P (MD) No.4233 of 2023
DATE :03.03.2023

NA/SBN/SAR-3/17.03.2023/3P/6C