



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.4558 of 2023

A.Dhanalakshmi

... Petitioner/Accused No.2

Vs

State of Tamil Nadu
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.28 of 2018)

... Respondent/Complainant

For Petitioner : Mr.C.K.M.Appaji, 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.28 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420 and 120-B IPC in Crime No.28 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the wife of the defacto complainant purchased land from one Girigiri by a registered sale deed. One Mari selve also purchased land from the same vendor by a registered sale deed and she also obtained patta and she also paid tax to the land. Due to the illness of the wife, the defacto complainant was unable to maintain the land and on 15.05.2018, when the defacto complainant tried to pay tax, he came to know that patta related to his land was transferred into the name of the first accused. Further it came to know that on 21.07.2009, the first accused had settled the said property in the name of the petitioner herein , in which the third and fourth accused stood as attesting witness and thereby created fabricated settlement deed and cheated the defacto complainant and his wife. Hence, the case.



3. Heard and perused the materials available in the reco

4. It is seen that investigation in this case has been completed and charge sheet also filed, which was taken on file in C.C.No.582 of 2022 by the learned Judicial Magistrate No.I, Nagercoil. Therefore, custodial interrogation of the petitioner does not require in this case. Accordingly, 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 Judicial Magistrate No.I, Nagercoil 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 trial Court, 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/-

10/03/2023

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

gns

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4558 of 2023

Date :10/03/2023

RS/SBN/SAR-3(23.03.2023) 3P 5C