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CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/03/2023

PRESENT

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

CRL OP(MD) . No.5914 of 2022

Ponnavaraj

... Petitioner/Accused No.2

Vs

The State rep.by,  
The Sub-Inspector of Police,  
Central Crime Branch (CCB) Police Station,  
Tirunelveli, Tirunelveli City.  
(Crime No.4 of 2019).

... Respondent/Complainant

For Petitioner : Mr.S.Palani Velayutham,  
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.4 of 2019 of 2020 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 418, 420, 465, 468 and 471 of I.P.C. in Crime No.4 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons are said to have received huge amount from the defacto complainant by executing sale deed in favour of him and later, cheated him. Hence, the case.



3.Heard. Perused the materials available on record the First Information Report.

4.There are three accused in this case. The petitioner is arrayed as A2. Even according to the case of the prosecution, the first accused had executed sale deed in favour of the de-facto complainant. But the said land was allotted for a park. Insofar as the petitioner is concerned, he acted as a broker and received only a commission. Now the entire investigation is completed and also filed a final report. Therefore, the custodial interrogation of the petitioner does not require in this case.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6.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, Tirunelveli District, 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/-  
08/03/2023

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

sj i

TO

1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.

3 THE SUB-INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH (CCB) POLICE STATION,  
TIRUNELVELI, TIRUNELVELI CITY.

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

+1 CC to M/s.PALANI VELAYUTHAM.S., Advocate ( SR-3843[I] dated  
09/03/2023 )

ORDER  
IN  
CRL OP(MD) No.5914 of 2022  
Date :08/03/2023

RK/SBN/SAR-2 (21/03/2023) 3P/6C