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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2023

PRESENT

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

CRL OP(MD).No.4686 of 2023

Anbazhagan

...Petitioner/Accused No.5

Vs.

State Rep.by
The Inspector of Police,
District Crime Branch,
Karur District.
(In Cr.No.2 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.R.Kishore Ram, Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

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

PRAYER :-

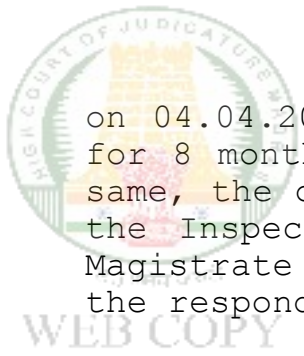
For an Anticipatory Bail in Crime No.2 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.5, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 120(B), 420, 465 and 468 of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant Selvaraj owns the ancestral immovable properties comprised in S.F.Nos.570, 760, 761 and 762 situated in Thandhoni Village, Karur Taluk and that accused Nos.1 and 2, who are the co-owners along with accused Nos.3 and 4 took advantage of the fact that the defacto complainant being employed at abroad and had created a forged document signature over properties owned by the defacto complainant without his authorization or signature. Thereby, the defacto complainant's land was grabbed. Further, after enquiry

<https://www.crlc.org.in>



on 04.04.2022, the accused had been promising to create a [REDACTED] it for 8 months and had sought further more 60 days. Aggrieved by the same, the defacto complainant preferred a private complainant before the Inspector General of Police, Trichy and the learned Judicial Magistrate No.1, Tiruchirapalli, by order, dated 15.09.2022 directed the respondent to investigate the offences. Hence, the complaint.

3. Heard both sides and perused the materials available on record.

4. It is seen that there are totally five accused and the petitioner is arrayed as A5. The entire allegation has been made out as against the Accused Nos.1 to 4, there is no specific allegation against him and therefore custodial interrogation is not required. 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Karur 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 5.00 p.m. without fail, 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

VSD

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KARUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 INSPECTOR OF POLICE
DISTRICT. CRIME BRANCH,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4686 of 2023
Date :13/03/2023

PKP/MMS/SAR-4/28.03.2023/ **3P/5C**