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CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.03.2023

PRESENT

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

CRL OP(MD)No.5101 of 2023

Arjunan

... Petitioner/Sole Accused

Vs

The State through
The Inspector of Police,
District Crime Branch,
Ramanathapuram District-623503.
(Crime No.3/2023)

... Respondent/Complainant

For Petitioner : Mr.B.Muneeswaran,Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 420, 506(i) IPC in Crime No.3 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and her husband has no issues and her husband also died. Hence, the defacto complainant is the legal heir of the properties. The accused, who is the brother of the defacto complainant's husband, created forged will and tried to grab the property from the defacto complainant and also threatened her. Hence, the case.

3.Heard both sides and perused the materials available in the

<https://www.mcaonline.in/judis>



4. It is seen that there is civil dispute between the petitioner and the defacto complainant. As per the case of the prosecution, the petitioner created a forged will as if his brother executed will in his favour. According to the petitioner, the said property was purchased by him from the income derived from the joint family property and the defacto complainant's property was purchased by her husband only from his self earnings. Therefore, all the allegations are civil in nature and hence, custodial interrogation of the petitioner does not require in this case.

5. Considering the 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.II, Ramanathapuram 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/03/2023

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

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT 623503
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MARI CHELLIAH PRABHU C M, Advocate (SR-4511[I] dated 17/03/2023)

ORDER
IN
CRL OP(MD) No.5101 of 2023
Date :17/03/2023

PKP/BUC/SAR-4/31.03.2023/ **3P/6C**