



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

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

CRL OP(MD) . No.5338 of 2023

Johnson Kumar

... Petitioner/Accused No.4

Vs

State rep. by,
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
Crime No. 79 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.Vinayak,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.79 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 468, 471, 420 r/w 506(i) of I.P.C., in Crime No.79 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 approached the de-facto complainant with an intention to help him for the purpose of securing loan from the bank. The further allegation is that A1 colluded with petitioner along with A2 and A3, had created chitta and adangal documents for the purpose of selling the property and securing loan of the de-facto complainant's property. Thereafter, the accused had produced the documents before the Sub-Registrar and he refused to entertain the documents and informed the illegal act of the accused to the Thasildar and Village Administrative Officer.

incidents. Later, it came to the knowledge of the de-facto



complainant and it was questioned, all the accused had Rs.25,00,000/- cash from the de-facto complainant. Hence, the case.

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

WEB COPY

4.There are four accused involved in this case. The petitioner is arrayed as A4. On perusal of the FIR reveals that all the allegations are bald and vague. According to the de-facto complainant, he owned a property and in order to get loan, the accused persons fabricated documents and presented it before the registration office. However, the Sub Registrar verified those documents and sent them for verification and on verification, it is found that the documents are bogus and fabricated one. Thereafter, all the accused threatened the de-facto complainant and demanded Rs.25,00,000/-. Though the de-facto complainant claims that the documents are fabricated by the accused persons, he has not specifically mentioned what are the documents fabricated by the accused persons and what are the documents presented for registration. Hence, no overt act is attributed as against the petitioner herein. Therefore, custodial interrogation of the petitioner does not require in this case.

5.Taking into consideration of 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.III, Trichirappalli, 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/-
23/03/2023

/ TRUE COPY /

/04/2023

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

SJI

TO

1. The Judicial Magistrate No.III, Trichirappalli.
2. Do-Through the Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Samayapuram Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VINAYAK, Advocate (SR-4769[I] dated 24/03/2023)

ORDER
IN

CRL OP(MD) No.5338 of 2023
Date : 23/03/2023

NA/BUC/SAR-4/10.04.2023/3P/6C