



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

Date : 09.03.2023

PRESENT

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

CRL OP(MD)No.7555 of 2022

Sarguru

... Petitioner/ Accused No.2

Vs

1.The State of Tamilnadu
The Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.9 of 2022

... Respondent/ Complainant

2. G.Nagarajan

... Petitioner/ Defacto Complainant/
Intervener

For Petitioner : Mr.T.Ramasamy

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

For Intervenor : Mr.C.M.Arumugan

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2022 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 420, 465, 468 & 471 IPC in Crime No.9 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons jointly colluded and created false document in the name of the defacto complainant with respect of patta No.2141. Hence, the case.

3.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervenor and the learned



Additional Public Prosecutor appearing for the respondent p

4.It is seen that there are 12 accused in this case and the petitioner is arrayed as A2. The property is belonging to the defacto complainant and he had executed power of attorney in favour of the first accused and he in turn, executed sale deed in favour of the second accused, who is the petitioner herein. The petitioner, in turn, executed settlement deed in favour of the first accused and settled the subject property in his name. It is also seen that the first accused fabricated all the documents and executed sale deed in favour of the petitioner herein. The petitioner is 70 years old and as of now, no property stands in his name. The other accused were got anticipatory bail before this Court.

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.II, Dindigul 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/-

09/03/2023

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WEB COPY

/ 03 /2023

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

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TO

- 1.The Judicial Magistrate No.II,
Dindigul.
2. -do-Through The Chief Judicial Magistrate,
Dindigul.
- 3.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.ARUMUGAM C.M., Advocate (SR-3927[I] dated 10/03/2023)

ORDER

IN

CRL OP(MD) No.7555 of 2022

Date :09/03/2023

RD/BUC/SAR-II (17/03/2023) 3P 6C