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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.8683 of 2022

Marimuthu

... Petitioner/Accused No.2

Vs

The state rep.by
The Inspector of Police,
District Crime Banch,
Thoothukudi District.
Cr.No.8/22.

... Respondent/Complainant

For Petitioner : M/s. Mahalakshmi K, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.8/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 419, 465, 468, 471 and 420 of I.P.C, in Crime No.8 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the property in S.No.50/6, belongs to his father and after his demise, the first accused had fabricated the documents, as if, he was the legal heir of defacto complainant's father and sold the same to the second accused. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is arrayed as A2 in this case. He is an innocent purchaser. When he came to know about the cheating, he filed a civil suit in O.S.No.169 of 2021, on the file of Sub Court,



Kovilpatti, seeking to cancel the alleged sale deed. The petitioner is ready to abide any stringent condition. In this case, the co-accused have been released on bail. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons have colluded with each other and fabricated the document, in order to grab the property of the defacto complainant. However, considering the gravity of the offence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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, Land Grabbing Special Court, Thoothukudi**, 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., until further orders;

[c] the petitioner shall not tamper with the 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;



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[f] if the accused/ petitioner thereafter absconded, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
LAND GRABBING SPECIAL COURT, THOOTHUKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BANCH,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8683 of 2022
Date :04/01/2023

PNM
MK/VR/SAR IV(10.01.2023) 3P 5C