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CRL OP(MD).

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/04/2023

PRESENT

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

CRL OP(MD) . No.7128 of 2023

Johnsonkumar,

... Petitioner/Accused Rank Not Known

Vs

State Rep.by

The Inspector of Police,
Samayapuram Police Station,
Trichy.

in Crime No.109/2023..

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulingabharathi, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.109/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 465,466,468,471,294(b) and 506(ii) of IPC in Crime No. 109 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first and second accused inorder to grab the property they created forged document and sold the same to the third accused, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.



4. It is seen that the petitioner has been implicated as an accused based on the confession given by the co-accused. In fact the earlier complaint was lodged for the very same property which was also involved in another case. In the earlier case the petitioner was granted anticipatory bail in Crl.O.P(MD) No.5338 of 2023 on 23.03.2023. Even according to the case of prosecution the father of the defacto complainant had filed a suit in O.S. No.1078 of 1980 for declaration and the same was also dismissed in respect of the very same property. Subsequently the present complaint has been filed. Taking into consideration all the above facts and circumstances of the case 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 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, Tiruchirapalli 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 am., 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 FII registered under Section 229A IPC.

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUCHIRAPPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SUYAMBULINGABHARATHI, Advocate (SR-6183[I] dated 20/04/2023)

ORDER
IN
CRL OP(MD) No.7128 of 2023
Date :18/04/2023

PKP/VR/SAR-4/24.04.2023/ **3P/6C**