



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

Date : 21.04.2023

PRESENT

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

CRL OP(MD) . No.7426 of 2023

1.Charles Prabhu
2.G.Mariappan

... Petitioners/A4 & A5

Vs

State rep., by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Crime No.35 of 2023

... Respondent/Complainant

For Petitioners : Mr.S.Nihar Ali
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.35/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 466, 468, 471 and 120B of I.P.C., in Crime No.35 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and his wife were said to be having 10.23 acres of dry land in Survey No.197 and 198 situated at Vellapottal Village, Watrap Taluk, Virudhunagar District. One R.Murugan and his family members were said to be impersonated the defacto complainant and his wife's signature and carried out the sale deed in Doc No.3686 of 2022 before the Sub-Registrar, Kunnur, Virudhunagar District with the help of the petitioners. Hence, the case.



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

4. It is seen that the subject property belongs to the defacto complainant. There are totally 5 accused, in which the petitioners are arrayed as A4 & A5. The second and third accused impersonated the defacto complainant and his wife as if they are the owner of the subject property and executed the sale deed in favour of A1, who is none other than the son of A2 and A3. As far as the petitioners are concerned, they are the document writer and Sub-Registrar. Therefore, they are nothing to do with the allegation alleged by the defacto complainant. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CRL OP(MD)



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[f] If the accused thereafter abscond, a fresh FI registered under Section 229A IPC.

sd/-
21/04/2023

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/ TRUE COPY /

/05/2023

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

Rmk

To

- 1.The Judicial Magistrate No.I, Srivilliputhur.
 - 2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
 - 3.The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.NIHAR ALI, Advocate (SR-6455[I] dated 24/04/2023)

ORDER

IN

CRL OP(MD) No.7426 of 2023

Date : 21.04.2023

NA/VR/SAR-2/02.05.2023/3P/6C