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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2023

PRESENT

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

CRL OP(MD) . No.7823 of 2023

Uthira Kumar S.I, ... Petitioner/Accused No 1

Vs

The State rep by
The Inspector of Police,
Emaneswaram Police Station
Ramanathapuram District.
Cr.No.44/2023. ... Respondent/Complainant

For Petitioner : M/s.Dinesh.K,
Advocate.
For Intervenor : M/s. Mayilvahana rajendran
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. 44/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147,342,364(A) of IPC in Crime No. 44 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is a practising advocate. According to the defacto complainant he had purchased the property in the name of Balamurugan who is the sister son of the petitioner herein to the value of Rs.46 lakhs in the year 2022 and when the defacto complainant asked to him to transfer the property in his name he was abducted and wrongfully restrained and also obtained original document, pan card and ATM card from the petitioner, hence the case.



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

4. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged occurrence as alleged by the prosecution. Further he is not present in the scene of occurrence and even according to the defacto complainant he had conducted panchayat.

5. The learned counsel for the defacto complainant would submit that the petitioner conducted katta panchayat and compelled the defacto complainant to hand over the original document, pan card and ATM card.

6. It is not believable that any prudent man would purchase the property worth about Rs.46 lakhs in other's name that too in his employee's name, therefore custodial interrogation of the petitioner is not required in this case, hence this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7. 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, Paramakudi 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 three 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 were not imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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

AAV

TO

1. The Judicial Magistrate, Paramakudi.
- 2 The Chief Judicial Magistrate, Ramathapuram
- 3.The Inspector of Police,
Emaneswaram Police Station
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7823 of 2023
Date :26/04/2023

KB/AR/SIV(27.04.2023) 3P 5C