



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8851 of 2023

G.Loganathan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Theni.
(Crime No.26 of 2022)

... Respondent/Complainant

For Petitioner : Mr.Appadurai.K., Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

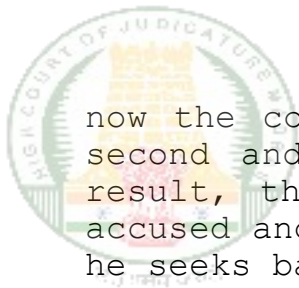
For Bail in Crime No.26 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded judicial custody on 28.04.2023 for the offences punishable under Sections 120 (b), 420, 465, 467, 468, 471 & 109 of IPC in Crime No.26 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the subject property measuring to an extent of 2.54 acres comprised in Survey No.474/4, 5 & 8 covered by patta No.118 and 1047 is the ancestral property. When the defacto complainant obtained encumbrance certificate in respect of the subject property and verified with the Sub-Registrar concerned, he came to know that the accused persons fraudulently alienated the said property in the year 2022 creating documents in the name of grand father and father of the defacto complainant, who were not alive at the time of registration of the said documents. Hence, the complaint.

3. The learned counsel for the petitioner submits that the transaction of sale was between the second and third accused and



now the compromise has been reached among the defacto com, second and third accused and they resolved their dispute. As a result, the sale deed and the settlement deed in favour of third accused and his son were duly cancelled by the second accused, hence he seeks bail.

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4. The learned Government Advocate (Crl.side) would submit that co-accused were already released on bail.

5. Taking into consideration the facts and circumstances of the case and also the fact that the document in dispute now cancelled and co-accused were already released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties(of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation by the respondent police;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) 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]**.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/05/2023

/ TRUE COPY /

19/05/2023

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

VSD



TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, K.VILAKKU, AUNDIPATTI,
THENI DISTRICT.

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THENI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.APPADURAI.K, Advocate (SR-7633[I] dated 19/05/2023)

ORDER

IN

CRL OP(MD) No.8851 of 2023

Date :18/05/2023

RS/CG/SAR-(18.05.2023) 3P 7C