



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

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

CRL OP(MD) . No.8975 of 2023

Rengaraj,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
District Crime Branch, Karur,
Karur District.
Crime No.4 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Murugappan R,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

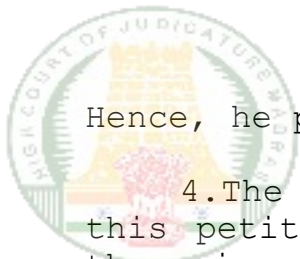
PRAYER :- To enlarge the Petitioner on Bail in the event of his arrest in connection with CC.No.35 of 2021 on the file of the Judicial Magistrate No.II, Kulithalai, Karur District and pass orders as this Honble Court.

ORDER : The Court made the following order :-

The petitioner/sole accused, who is facing a case for the offence under Sections 420, 465, 468 & 471 of IPC in C.C.No.35 of 2021 on the file of the learned Judicial Magistrate No.II, Kulithalai, Karur District, in crime No.4 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that in the year 2005, the father of the petitioner has executed his properties through a registered gift deed. On the basis of the said registered gift deed, the petitioner has mortgaged the same and availed loan from the Co-operative Society. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a civil suit in O.S.No.205 of 2019 is pending before the Sub Court, Karur District, with regard to the disputed property.



Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that if the petitioner is released on bail, there is every likelihood of absconding and delay in completing the case. He would further submit that the investigation has been completed and the charge sheet has already been filed before the learned Judicial Magistrate No.II, Kulithalai, Karur District, and the same was taken on file in C.C.No.35 of 2021.

5.Considering the fact that the case was taken on file as C.C.No.35 of 2021 before the learned Judicial Magistrate No.II, Kulithalai, Karur District, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 learned Judicial Magistrate No.II, Kulithalai, Karur District.

(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 concerned Court on all hearing dates without fail and to cooperate for the trial proceedings;

(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].

sd/-

18/05/2023

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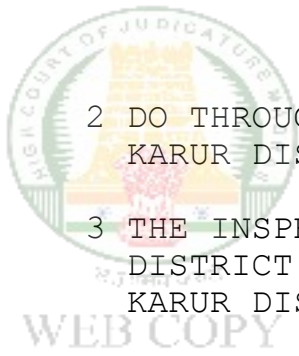
/05/2023

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

KSA

TO

1 THE JUDICIAL MAGISTRATE COURT NO.II,
KULITHALAI, KARUR DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KARUR,
KARUR DISTRICT.

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

+1 CC to M/s.M/S.R.MURUGAPPAN, Advocate (SR-7772[I] dated
22/05/2023)

ORDER

IN

CRL OP(MD) No.8975 of 2023

Date :18/05/2023

RK/BUC/SAR- (30/05/2023) 3P/6C