



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/06/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.9551 of 2023

1. Karunanithi	... Petitioner/Accused No.3
2. Senthilkumar.S	
3. Ramakrishnan.G	... Petitioners/Accused Rank Not Known (Not named in FIR)

Vs

State rep. by
The Inspector of Police,
CBCID,
Thanjavur,
Crime No.1/2023.

... Respondent/Complainant

For Petitioner : M/s.Karunanithi.M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

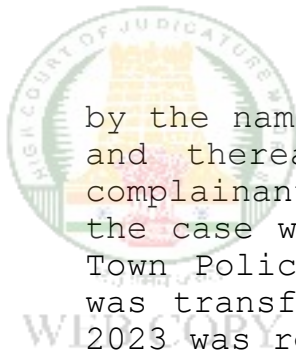
PRAYER :-

For Anticipatory Bail in Crime No.1/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A3, A27 and A28, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 406, 427, 120(B), 408, 420, 465, 468, 471, 454, 380, 381 and 34 of IPC in Crime No.1 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the native of Maharashtra and he came to Pattukkottai for Galai work quite long back. He was doing business in Pattukkottai Town. During June 2016, A1 brought A2 to him, when the de-facto complainant demanded huge money as a loan, the first informant along with A1 and A2 registered the document. On 06.12.2021, he was informed that his house was broken and valuable things were stolen



by the named accused. Immediately, he contacted an Advocate and thereafter, it came to the knowledge of the de-facto complainant that his property was registered as sale deed. Hence, the case was registered in Crime No.374 of 2022 by the Pattukkottai Town Police and thereafter, as per the direction of this Court, it was transferred to the respondent police and case in Crime No.1 of 2023 was registered.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there was a property dispute between the de-facto complainant and others. In fact, the first petitioner also filed a suit in respect of the very same property and it is pending. According to the de-facto complainant, the accused persons had executed sale agreement in their favour instead of mortgage deed by the de-facto complainant. That apart, the petitioners also lodged a complaint as against the de-facto complainant.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.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, Thiruvaiyaru**, 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:

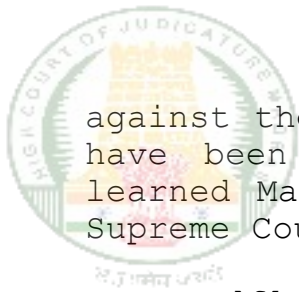
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of three 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/06/2023

(*)Amended as per order of this Hon'ble Court in CRL MP(MD).9676 & 9678/2023 in CRL OP(MD).9551/2023 dated 07.07.2023 by GIJ

Time is also extended further for a period of 15 days, from the date of receipt of copy of this order.

/ TRUE COPY /

/07/2023

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

SJI

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 02.06.2023

1. The Judicial Magistrate, Pattukkotai.
2. The Judicial Magistrate, Thiruvaiyaru.
3. Do-Through The Chief Judicial Magistrate, Thanjavur District at Kumbakonam.
4. The Inspector of Police, CBCID, Thanjavur.
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.M.KARUNANITHI, Advocate (SR-10357[I] & 10358(I)dated 07/06/2023)

ORDER

IN

CRL OP(MD) No.9551 of 2023

Date : 02/06/2023

NA/BUC/SAR- /06.06.2023/3P/6C

PNM

PKP/MMS/SAR- /14.07.2023/ 3P/8C

<https://www.mhc.tn.gov.in/judis>