



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2023

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PRESENT

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

CRL OP(MD) . No.9795 of 2023

K S Shankar Balaji

... Petitioner/Accused No.1

Vs

The State rep. by
The Deputy Superintendent Of Police,
District Crime Branch,
Tiruchirappalli.
Crime No.9/2023.

... Respondent/Complainant

For Petitioner : M/s.Balaji.S,
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.09 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 420,467,468,471 and 120(B) of IPC in Crime No. 9 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with one Sridhar sold an extent of Acre0.90 cents vide registered sale deed bearing document No.5935/2012 dated 27.08.2012 to the defacto complainant and her daughter-in-law . The said property was entrusted to the petitioner by the defacto complainant and her husband to sell the same.

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



4. There are totally eight accused in this case and the petitioner herein is arrayed as A1. Even according to the defacto complainant the defacto complainant owned property and in order to sell the same he had executed power of attorney in favour of A2 vide document No.3159/2014 dated 23.05.2014. In so far as the petitioner is concerned he introduced the defacto complainant to the second accused being the relative of the defacto complainant. Except introducing him he has nothing to do with the alleged transaction. Therefore the second accused obtained life certificate of the defacto complainant and executed sale deed in favour of A5 to A8. Now some of the accused were granted bail and anticipatory bail by this Court. the Taking into consideration all the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

5. 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 No.I, Trichy 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 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].



CRL OP(MD)



23

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

sd/-
07/06/2023

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

AAV

TO

1. The Judicial Magistrate No.I, Trichy.
 2. Do through the Chief Judicial Magistrate,
Trichy.
 3. The Deputy Superintendent Of Police
District Crime Branch
Tiruchirappalli.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.BALAJI, Advocate (SR-8211[I] dated 07/06/2023)

ORDER

IN

CRL OP(MD) No.9795 of 2023

Date : 07/06/2023

NA/CG/SAR- /09.06.2023/3P/6C