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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2023

PRESENT

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

CRL OP(MD). No.10849 of 2023

Neevetha,

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
Crime No.159 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Maurya.L.P.,
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.159 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(B), 468, 471, 341, 294(b) and 506(i) of IPC in Crime No. 159 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons forged a patta as though it was received from the Tahsildhar office and used to register a sale deed in favour of few other peoples and then a patta and name transfer was obtained based on the said sale deed, hence the case.

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



4. It is seen that even according to the case of prosecution the property belongs to the defacto complainant and A1 to A3 fabricated some documents in their favour and also obtained patta and the petitioner herein has nothing to do the alleged crime 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 District Munsif cum Judicial Magistrate, Kodaikanal 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 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].

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

sd/-
19/06/2023

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/06/2023

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



1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KODAIKANAL.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.L.P.MAURYA, Advocate (SR-9072[I] dated 19/06/2023)

ORDER

IN

CRL OP(MD) No.10849 of 2023

Date :19/06/2023

PKP/CG/SAR- /23.06.2023/ **3P/6C**