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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/06/2023

PRESENT

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

CRL OP(MD). No.10874 of 2023

Dhanabalan ... Petitioner / Accused rank not known

Vs

State represented by
The Inspector of Police,
Siruganur Police Station,
Tiruchirappalli District.
(Crime No. 410 of 2017.) ... Respondent / Complainant

For Petitioner : M/s Mohan Gandhi.S.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. 410 of 2017 on the file of the respondent Police.

ORDER : The Court made the following order :-

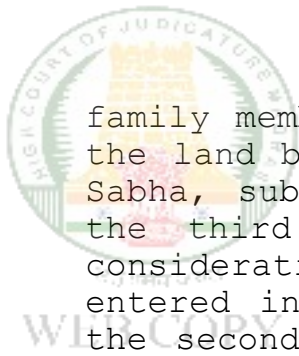
The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120 (b), 418, 420 and 423 of I.P.C., in Crime No. 410 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to civil dispute, the petitioner and other accused have given life threat to the defacto complainant.

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

4. It is seen that there are five accused, in which, the petitioner is arrayed as A4 and the petitioner is also one of the

<https://www.mca.gov.in/>



family member of the other accused. According to the pro. 1, the land belonging to the first accused was sold out to Kalaimahal Sabha, subsequently, power of attorney was executed in favour of the third accused by the second accused, on receipt of sale consideration of Rs.1,50,000/-. Thereafter, the defacto complainant entered into the agreement and purchased and Rs.50,000/- given to the second respondent. While verifying the records, it was found that the land was already sold out in favour of Kalaimahal Sabha and it was also attached to the Government. however, the petitioner is being the family member of the other accused persons and hence, custodial interrogation of the petitioner does not require.

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

6. 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, Lalgudi, Tiruchirappalli District, 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 a.m., for a period of two 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].



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

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

LS

To

1.The Judicial Magistrate,
Lalgudi, Tiruchirappalli District.

2.Do through the Chief Judicial Magistrate,
Tiruchirappalli District.

3.The Inspector of Police,
Siruganur Police Station,
Tiruchirappalli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-9141[I] dated
20/06/2023)

ORDER
IN
CRL OP(MD) No.10874 of 2023
Date :20/06/2023

ED/VR/SAR- (23/06/2023) 3P 6C