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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

PRESENT

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

CRL OP (MD) No.14200 of 2022

Dinesh Kumar

... Petitioner/Accused No.3

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Sivagangai, Sivagangai District.
(Crime No.24 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.Karunanidhi

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.24 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 420,
467, 468, 471, 120-B IPC in Crime No.24 of 2022 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused created an unregistered forged document in respect of land
belong to the defacto complainant, as if one Sarkarai Peer and one
Hakim are having equal share in the land and the petitioner has
signed as witness in the said document. Hence, the case.

3.Heard and perused the materials available in the records.

4.It is a case of civil dispute between the parties. Earlier,
for the very same set of allegations, a complaint was given and FIR
was also registered in Cr.No.20 of 2022 pending on the file of the
District Crime Branch, Madurai. That apart, there was a suit also



initiated in this regard, in 128 of 2016 on the file of CMC No. 128 of 2016 Additional District Court, Madurai and the same was dismissed. Therefore, custodial interrogation of the petitioner does not require.

5. Considering the above 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 Court No.2, Sivagangai 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].

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

sd/-

10/03/2023

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/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANH, SIVAGANGAI,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.KARUNANIDHI R Advocate SR.No.14858 (F)

ORDER

IN

CRL OP(MD) No.14200 of 2022

Date :10/03/2023

SS/CG/SAR I/21/03/2023/3P/6C