



CRL OP(MD). No.12271 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1 S.VAILA BABY @ VAYOLABABY

2 REX HENRY @ REX HENTRY

3 ABISH HENRY @ ABHISH HENTRY

4 SHEKINAH HENRY @ SHEKINA HENTRY

... PETITIONER/ACCUSED 1 TO 4

Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT AT NAGERCOIL.
CRIME NO.38 OF 2023.

... RESPONDENT/COMPLAINANT

2 PREMALATHA
(R2 SUO MOTU IMPEADED AS PER ORDER OF THE
COURT DATED 06.07.2023 IN CRL.OP(MD).12271/2023)

... 2nd RESPONDENT

For Petitioner : M/s.APPAJI.C.K.M., Advocate.

For Respondent 1 : Mr.B.NAMBISELVAN, Additional Public Prosecutor

For Respondent 2 : Mr.R.ANAND, Advocate

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

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



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PRAYER :- For Anticipatory Bail in Crime No.38 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 465, 468 and 471 IPC in Crime No.38 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that in order to grab the property of the defacto complainant, the petitioners said to have created forged documents in respect of the property of the defacto complainant and thereby, cheated her. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, prayed for anticipatory bail.

4.The learned Additional Public prosecutor would submit that the petitioners have created the forged document with regard to the property of the defacto complainant and cheated her. He would further submit that the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the nature of allegations made against the petitioners, this Court is inclined to grant



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anticipatory bail to the petitioners, subject to the following conditions:

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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 (*)Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 on receipt of summons.

[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 petitioner released on bail by the



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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/-
05/10/2023

(*)Amended as per Order of the Court
dt.17/11/2023 in CrI.MP(MD).15934 of 2023 in
CrI.OP(MD).12271 of 2023.

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
TO BE SUBSTITUTED WITH THE ORDER DATED 05/10/2023 ALREADY
DESPATCHED

1 THE JUDGE,

SPECIAL COURT FOR LAND GRABBING CASES, TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE COURT NO.II,

KUZHITHURAI, KANYAKUMARI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,

KANYAKUMARI DISTRICT AT NAGERCOIL.



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4 THE INSPECTOR OF POLICE

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DISTRICT CRIME BRANCH,

KANYAKUMARI DISTRICT AT NAGERCOIL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT,

MADURAI.

+1 cc to Mr.S.SUNDARAPANDIAN, Advocate, SR.No.16554 DT.20/11/2023.

ORDER

IN

CRL OP(MD) No.12271 of 2023

Date :05/10/2023

SA/DD/SAR. /10.10.2023/5P/6C

AAV

SA/JGB/SAR. /22/11/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.