



CRL OP(MD). No.12765 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12765 of 2023

M.Gifty Miracline

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District
(Crime No.10 of 2023).

... Respondent/Complainant

For Petitioner : M/s.M.MARIA VINOLA, Advocate

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

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

PRAYER :- For Anticipatory Bail in Crime No.10 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 120(B), 419, 420, 465, 468, 471 I.P.C., in Crime No.10 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the accused persons, without knowledge of the defacto complainant, fraudulently changed the photo found in Adhaar card of the defacto complainant and cheated him by impersonating him and putting his signature and thump impression at Sub Register Office, Marthandam and mortgaged the property jointly owned by the first accused and the defacto complainant for a sum of Rs,2 Lakhs at Mahindra Rural Housing Finance Ltd, Marthandam. Hence the case.

3. The learned counsel for the petitioner submitted that he is innocent and not committed any such offence, as alleged by the prosecution. The petitioner stood only as an attesting witness. The co-accused have already been enlarged on anticipatory bail as per the order of this Court in CrI.OP(MD)No.6115 of 2023, dated 31.03.2023. Hence, prays to release him on anticipatory bail.

4. The learned Government Advocate (CrI. Side) for the respondent police submitted that though the petitioner is not having any previous case, the accused persons had cheated the defacto complainant by way of impersonation. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Considering the facts and circumstances of the case and the limited role



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played by the petitioner and the facts that the petitioner is not having any previous case and the co-accused have already been enlarged on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Kuzhithurai, 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 learned Judge concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Judge within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
13/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.ELIS CHITRA DEVI.A Advocate SR.No.10656

ORDER
IN

CRL OP(MD) No.12765 of 2023

Date :13/07/2023

SA/VR/SAR. /24.07.2023/4P/6C

Madurai Bench of Madras High Court is issuing
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