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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14650 of 2023

Alagar,

... Petitioner/ Accused No.5

Vs

State rep. by
The Inspector of Police,
District Crime Branch Police Station,
Sivagangai.
(Crime No.3 of 2022)

... Respondent/ Complainant

For Petitioner : N.Jeyaram Sidharth,
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.3/2022 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner, who are arrayed A5 apprehend arrest at the hands of the respondent police for the offences punishable under sections 120(b), 406, 419, 420, 468 and 471 IPC, in Crime No.3 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that his father namely Chinniah was owning properties in Survey No.276/4 measuring about 73 cents. Out of the above said 73 cents, by impersonation, 37 cents were sold to A1-Ambalam by A2-Kathiravan. At that time, the above said de-facto complainant's Voter Card was also forged. His father name is Ambalam @ Subban Ambalam. A1 father's name is Devan Ambalam. Taking advantage of the similarity of the name, the above said impersonation has been committed and the sale was also effected. After the above said sale, subsequent sale has also been effected by the co-accused. For the above said impersonation, A9 and A10 were colluding. Similarly, another sale was also effected by A1 in favour of A8 for 36 cents. On coming to know the above said false sale deed, the above said Ambalam cancelled the sale deed. Without properly verifying the identity of the persons, A9 and A10 helped A1 and A2 to create the document, which was registered.



3. Pending investigation, the petitioner filed anticipatory application and the application came to be dismissed by this court. This is the second application seeking the very same relief.

4. The earlier applications were dismissed, since the interim custody of the petitioner is very much required. This petition has been filed stating that some important aspect was not brought to the notice of this court in the earlier occasion.

5. The learned counsel for the petitioner submitted that the defacto complainant suppressed all the real facts before this Court and has also stated that the defacto complainant is not a legal heirs of the above said Ambalam. He further submitted that this Court has granted anticipatory bail to the co-accused and also submitted that already, disputed document was cancelled.

6. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation in Crime No.03 of 2022 has been completed and the final report was also filed before the concerned Court by showing this petitioner as an absconding accused.

7. Since the final report has been filed before the concerned Court, the petitioner shall appear before the concerned Court and execute a bond under Section 88 of Cr.P.C, as required by the concerned Court for its satisfaction.



With the above directions, this Criminal Original Petition is disposed of.

sd/-
10/08/2023
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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, POLICE STATION,
SIVAGANGAI.

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

ORDER
IN
CRL OP(MD) No.14650 of 2023
Date :10/08/2023

SSA/VRS/08.09.2023/4P/3C

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