



CRL OP(MD). No.15554 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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Suruli Narayanasamy,

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.9 of 2022..

... Respondent/ Complainant

For Petitioner : Mr.P.S.Seetharaman,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.9 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1 who apprehends arrest at the hands of the respondent police

for the offences punishable under Sections 420,465,468 and 471 of IPC in Crime No.9

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



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of 2022 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner herein along with other accused created forged documents in the name of the defacto complainant with respect to Patta No.2141, hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that the defacto complainant has given power of attorney to the petitioner with respect to the property purchased in Dindigul District to an extent of 33000sq.ft. He would further submit that already civil suit is pending between the parties, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that there are totally nine accused in this case and the petitioner herein is arrayed as A1. The defacto complainant has given power of attorney to the petitioner and the petitioner taking advantage of the same mutated the revenue records and executed sale deed in favour of A2. They also created forged life certificate of the defacto complainant. He would further submit that some of the co-accused were granted anticipatory bail by this Court, however he objected to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that



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civil dispute is pending between the parties and also the fact that some of the co-accused were granted anticipatory bail by this Court and also considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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 No.II, Dindigul 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 Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[e] If the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

sd/-
30/08/2023

/ TRUE COPY /

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

AAV
TO

1 THE JUDICIAL MAGISTRATE NO.II,DINDIGUL.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,DINDIGUL DISTRICT.

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

+1 CC to M/s.P.S.SEETHARAMAN, Advocate (SR-12974[I] dated 30/08/2023)

ORDER
IN

CRL OP(MD) No.15554 of 2023

Date :30/08/2023

PKP/VR/SAR- /04.09.2023/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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