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CRL OP(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.03.2023

PRESENT

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

CRL OP(MD)No.17885 of 2022

1.Kulothungan

2.Praveenkumar

... Petitioners/Accused No.A2 & A3

Vs

1. State represented by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.27 of 2022)

... Respondent/Complainant

2.Subathra

... Intervening Petitioner/Defacto
Complainant
(in Crl MP(MD)No.12799 of 2022)

For Petitioners : Mr.P.Sivachandran

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For Intervenor : Mr.C.Jeganathan

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
417, 420 and 120B IPC in Crime No.27 of 2022, seek anticipatory
bail.



2.The case of the prosecution is that the first accused forged document in respect of the property in S.No.721/4 and 716/5 situated at Kopalapuram village, Koduvilarpatti and executed settlement deed in favour of the second accused with the help of the third accused, who is the document writer. Hence the case.

3.Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the intervenor and the learned Government Advocate(Crl.side) appearing for the respondent police.

4.It is seen that after registration of FIR, the first accused cancelled the settlement deed executed in favour of A2 and the same is also admitted by the defacto complainant.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

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 learned Judicial Magistrate, Theni, 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 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 petitioners 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 petitioners 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 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 petitioners 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 FII registered under Section 229A IPC.

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

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TO

- 1.The Judicial Magistrate,
Theni.
- 2.Do through the Chief Judicial Magistrate,
Theni.
- 3.The Inspector of Police,
District Crime Branch,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SIVACHANDRAN P, Advocate (SR-4125[I] dated
14/03/2023)

ORDER IN
CRL OP (MD) No.17885 of 2022
DATE: 13.03.2023

NA/MMS/SAR-3/17.03.2023/3P/6C