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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16520 of 2023

Karthika

... Petitioner/ Accused No.6

Vs

State represented by
The Inspector of Police,
District Crime Branch,
in Crime No.29 of 2023,
Dindigul District.

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar
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. 29 of 2023 on the file of the respondent Police.



ORDER : The Court made the following order :-

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The petitioner/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 506(ii), 417, 420, 470, 471, 120(b) of IPC, in Crime No.29 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's father had purchased several properties in Dindigul and died intestate, leaving behind her brother, sister, mother and himself as legal heirs. Without the knowledge of the defacto complainant and his family, the other accused persons alleged to have created forged document, impersonated as the defacto complainant's family and executed a sale deed in favour of this petitioner. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, she has been falsely implicated in this case and she has not committed any offence as alleged by the prosecution.

4. Learned Additional Public Prosecutor would submit that the accused persons have created forged documents and by impersonation, executed a sale deed in favour of the petitioner herein. The petitioner is a bonafide purchaser. The main accused persons have not been secured so far.



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5. Perusal of CD file shows that the petitioner purchased the property in a bonafide manner from the Accused Nos.1 to 3 for proper consideration. It appears that Accused Nos.1, 2 and 3 only committed the offence of impersonation by bringing some other persons as if they are the brother and sister of the defacto complainant. At one point of time, the first accused has appeared before the respondent and gave statement that he will settle the issue, but later he failed to appear. The the impersonated persons have not been secured so far. Unless the Accused Nos.1 to 3 are secured, the impersonators cannot be secured.

6. Considering the facts and circumstances of this case and also considering the fact that this petitioner is a bonafide purchaser for value, this Court is inclined to grant relief to the petitioner herein.

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 her appearance, before the learned Judicial Magistrate No.I, Dindigul, on condition that the petitioner 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 the petitioner shall appear before the respondent police daily at 10.30 a.m., until



further orders. The petitioners shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.

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

sd/-
13/09/2023

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/10/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.I
DINDIGUL.

2 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.



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



ORDER

IN

CRL OP(MD) No.16520 of 2023

Date :13/09/2023