



CRL OP(MD). No.17528 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17528 of 2023

Ashokumar

... Petitioner/ Accused No.3

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Trichy District.,
Crime No.13 of 2020..

... Respondent/ Complainant

For Petitioner : M/s.Jameelarasu B,
Advocate.

For Respondent : Mr.S. Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2020 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 34, 420, 423, 465, 468, 471 and 506(i) IPC Crime No.13 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Periyasamy created forged document as if he is the original owner of the property and registered a sale deed in favour of one Radha vide Document No.809/2020 and in the said document the petitioner put his signature as a attesting witnesses. Hence, the complaint.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecutor and his name has been falsely implicated in this case and hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused said to have created a forged document and registered a sale deed, wherein the petitioner put his signature as attesting witnesses. He would further submit that the investigation of the case is pending and hence he objected to grant anticipatory bail to the petitioner.



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

6. Considering the rival submissions on either side and considering the fact the petitioner is only a attesting witness and considering the nature of offences, 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.I, Trichy, 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 10.30 a.m., until further orders;

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



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

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/09/2023

/ TRUE COPY /

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

TRP

TO

1.THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.



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

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-14593[I] dated 04/10/2023)

ORDER
IN
CRL OP(MD) No.17528 of 2023
Date :29/09/2023

RK/ (06/10/2023) 5P / 6C

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