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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17754 of 2023

S.Raja Mohammed,

... Petitioner/ Accused No.3

Vs

State rep. by
The Inspector of Police,
District Crime Branch II,
Theni,
In Crime No.Not 37/2023.

... Respondent/Complainant

For Petitioner : M/s.Athimoolapandian.P,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.37/2023 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 465, 468, 471 and 120(B) IPC in Crime No.37 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 are brothers and sisters and A2 is son of the A1. A1 and A2 have obtained Legal heirs certificate as if they are only legal heirs of deceased Thalaimalai and executed a sale deed in favour of A2. According to the de facto complainant there were six legal heirs including A1. Hence, the complaint.

3.The learned counsel for the petitioner would contend that the petitioner is only a Document Writer and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.



4. The learned Additional Public Prosecutor would submit that petitioner is a Document Writer and he has written the document, executed by the A1 in favour of A2 and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner only written the document based on the Legal heirs certificate produced by A1 and that there is no specific allegations made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. 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, Theni 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 sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent police on receipt of summons.

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

[d] the petitioner 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 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].

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

sd/-
05/10/2023

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



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

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-14716[I] dated
06/10/2023)

ORDER
IN
CRL OP(MD) No.17754 of 2023
Date :05/10/2023

SSA/JGB/13.10.2023/5P/6C

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