



CRL OP(MD)No.18023 of 2023

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

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

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Saritha

... Petitioner/ Accused No.3

Vs

**State Rep.by
The Inspector of Police,
Vangal Police Station,
Karur District.
In Cr.No.162 of 2022**

... Respondent/Complainant

For Petitioner : Mr.K.Asok Kumar Ram, Advocate

**For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.162 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the



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offences punishable under Sections 120(b), 166, 466 and 420 IPC in Crime No.162 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the Village Administrative Officer. The defacto complainant filed a suit for partition in O.S.No.250 of 2020 and the same is pending. However, the defendants in the said suit, filed a petition for electricity connection. Hence, the defacto complainant filed an objection by stating that the property in question is a common and a suit also pending. Even thereafter, the petitioner herein issued a certificate for the purpose of electricity connection. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner, knowing very well that the property in question is a common property, issued a certificate for the purpose of electricity connection. Hence, he objected to grant anticipatory bail. However, he fairly conceded that there is no previous case pending as against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that no previous case pending as against the petitioner, this court is inclined to



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grant anticipatory bail to the petitioner with certain 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 No.II, Karur, 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 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 petitioner 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 petitioner shall report before the trial Court on 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

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



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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/-
10/10/2023

/ TRUE COPY /

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KARUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
VANGAL POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.K.ASOK KUMAR RAM, Advocate (SR-14891[I] dated 10/10/2023)

ORDER
IN

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Date :10/10/2023

PKP/JGB/SAR- /17.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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