



CRL OP(MD). No.17965 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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A.Radha

... Petitioner/ Accused No.2

Vs

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

... Respondent/ Complainant

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

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.13/2020 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 34, 420, 423, 465, 468, 471, 506(i) of IPC in Crime No.13 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property in S.No.129/2A to an extent of 10 cents situated at Theneripatti Village, Thiruverumbur Taluk, Trichy District. It is further alleged that one Periyasamy had created forged documents as is he is the original owner of the property and registered sale deed in favour of the petitioner herein vide document No.809 of 2020 and after coming to know about the fraudulent documents when the defacto complainant went to the registrar officer the petitioner herein was standing there and when the defacto complainant questioned about the same, she threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against her. He would further submit that the petitioner is a bonafide purchaser and she has nothing to do with the alleged offence. Therefore, he prayed for anticipatory bail to the petitioner.



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4.The Government Advocate(Crl.Side) appearing for the respondent would submit that A1 in this case has created forged documents as is he is the original owner of the property and registered sale deed in favour of the petitioner herein vide document No.809 of 2020, hence he objected to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact that the petitioner herein is only a bonafide purchaser of the property, this court is inclined to 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.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 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:



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[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 appear 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 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].



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

sd/-
09/10/2023

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

AAV

TO

1.THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

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-14966[I] dated 11/10/2023)

ORDER
IN
CRL OP(MD) No.17965 of 2023
Date :09/10/2023

RK/DD(13/10/2023) 5P /6C

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

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