



CRL OP(MD). No.21710 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Sankar

... Petitioner/ Accused 5

Vs

The Inspector of Police,
City Crime Branch Police Station,
Trichy District.
Cr.No.19/2023

... Respondent/ Complainant

Baburaj

... Intervening Petitioner/Defacto Complainant
In CrI.MP(MD).17226/2023 in CrI.OP(MD).21710/2023

For Petitioner : Mr.A.JOSEPH JERRY, Advocate

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

For Intervenor : Mr.S.RAMAKRISHNAN, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 19/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on

27.10.2023 for the alleged offences punishable under Sections 417, 420, 463, 465, 468,
<https://www.mhc.tr.gov.in/judis>



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471, 120(b) IPC, in Crime No.19 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and his wife purchased a vacant site from A1 and A2 to the tune of Rs.15 lakhs. When they tried to fix borewell in the above said land, one Veerachamy and his son Kannadasan stated that the said land belongs to them. Thereafter, it was found that already the petitioner/A5 sold the property to one Rengarajan and Rukmani. The petitioner and other accused cheated the defacto complainant by fabricating documents and sold the property belongs to the other persons to the defacto complainant. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that in this case, investigation has been completed and charge sheet yet to be filed. However, he strongly opposed to grant bail to the petitioner.

5. The learned counsel appearing for the intervenor has also strongly opposed to grant bail to the petitioner.

6.Heard both sides and perused the materials available on record.



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7. Considering the facts and circumstances and considering the fact that investigation has been completed and also considering the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(i) Accordingly, the petitioner is ordered to be released on bail on condition to 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 Judicial Magistrate No.II, Tiruchirappalli and on further conditions that:

(ii) 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;

(iii) the petitioner shall appear before the said Magistrate Court on the first working day of every English calendar month until further orders.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) On breach of any of the aforesaid conditions, the learned Judge/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



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Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/12/2023

/ TRUE COPY /

05/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO
1 THE JUDICIAL MAGISTRATE NO.II,
THIRUCHIRAPALLI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH POLICE STATION,
TRICHY DISTRICT.



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

ORDER
IN
CRL OP(MD) No.21710 of 2023
Date :05/12/2023

SA/SAR. /05.12.2023/5P/6C

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