



CRL OP(MD). No.2588 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Kannan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District,
Crime No.49/2024.

... Respondent/Complainant

For Petitioner : Mr.T.Indrachithu
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.49/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial



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custody on 02.01.2024 for the offence punishable under Sections 465, 468, 420, 294(b) and 506(i) of I.P.C., in Crime No.49 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner is a land broker. The property in dispute originally belonged to one Syed Ali. He sold Plot No.5 in favour of one Hasina. By suppressing the same, the said Syed Ali has executed power of attorney in respect of Plot No.5 to one Musthafa, who in turn, sold the same to one Selvi. When the said Selvi after coming to know about the encumbrance in the said property, had contacted the petitioner herein, for which, the petitioner by creating forged document, sold the property to the *defacto* complainant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is a land broker and the *defacto* complainant purchased the property from one Selvi, which was entrusted by the petitioner herein. Except this allegation no other allegation are made against the petitioner. Hence, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that three previous cases are pending against the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and also considering the fact that the petitioner is acted only as a introducer, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Tenkasi** and on further conditions that:

(a)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 is directed to appear before the respondent police daily at 10.30 A.M., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/02/2024

/ TRUE COPY /

20/02/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.



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4 THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT

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

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-2084[I] dated 20/02/2024)

ORDER
IN
CRL OP(MD) No.2588 of 2024
Date :20/02/2024

SS/SAR- /20/02/2024/5P/7C

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