



CRL OP(MD). No.7904 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.7904 of 2024

Kesavan

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
District Crime Branch,
Karur.
Crime No.3 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.D.Packiaraj,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2024 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 alleged offence under Sections 120B, 420, 468 and 471 of IPC in Crime No.3 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that in the year 2010 the defacto complainant approached the petitioner and borrowed a loan of Rs.5,00,000/- for which, on the instigation of the petitioner, he executed a sale agreement dated 08.07.2010 and on the next date on 09.07.2010 he again ask him to execute a power deed in favour of one Kesavan and thereafter, the above said Kesavan executed the sale deed in favour of the petitioner on 14.09.2015 by obtaining a forged life certificate from one doctor, namely, Vijayakumar. On knowing the same, on 21.08.2021 the defacto complainant preferred the complaint before the respondent police. Since no action was taken, he preferred private complaint in Cr.M.P.No.6429 of 2023 and based on the direction, the present complaint has been lodged.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

However, the petitioner is ready to abide by any condition imposed by this Court.



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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has obtained sale deed by getting forged life certificate. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the issue on hand is civil in nature, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the said crime number within a period of two weeks without prejudice to his rights and contentions before the trial Court.

(b) the petitioner and the sureties shall affix their photographs and left thumb



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impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police weekly once i.e., every Saturday at 10.30 a.m until further orders;

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

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

sd/-
19/07/2024

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/07/2024
Sub-Assistant Registrar (CS-I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

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



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TO
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1. THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.PACKIARAJ, Advocate (SR-8283[I] dated 22/07/2024)

ORDER
IN

CRL OP(MD) No.7904 of 2024

Date :19/07/2024

RK/GS (31/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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