



CRL OP(MD). No.9577 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

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

CRL OP(MD). No.9577 of 2024

Sony Joseph

... Petitioner/ Accused NO.5

Vs

Inspector of Police,
District Crime Branch,
Sivagangai District.
Cr.No.9 of 2023.

... Respondent/Complainant

For Petitioner : Mr.R. Karunanidhi,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent



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police for the offences punishable under Sections 419, 420, 465, 468, 471 and 120(B)

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IPC in Cr.No.09 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that A1 sold the defacto complainant's property by impersonating his name to A2. A3 and A4 are fraudulently attested in the said deed. A5 purchased the property from A2. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner/A5 is the subsequent purchaser from A2. A2 was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has strongly opposed to grant anticipatory bail to the petitioner/A5, however, he would submit that in this case, the investigation was completed.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner/A5 is a subsequent purchaser and A2 has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with



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certain conditions.

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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-II, Sivagangai, 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 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 respondent police as and when required.

(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



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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/-
01/07/2024

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

SKN

TO

1.THE JUDICIAL MAGISTRATE-II, SIVAGANGAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-7268[I] dated 03/07/2024)



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ORDER
IN
CRL OP(MD) No.9577 of 2024
Date :01/07/2024

RK/VR (05/07/2024) 5P / 6C

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