



CRL OP(MD). No.11735 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.11735 of 2024

K A Giri

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
(Crime No. 176/2024.)

... Respondent/Complainant

For Petitioner : Mr.V.Karuna, Advocate
for Mr.Suresh.M.K Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No. 176 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 468 and



CRL OP(MD). No.11735 of 2024

471 I.P.C, in Cr.No.176 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner received an advance amount for the properties and handed over the original sale deed document in Doc.No.1327/2010 and cheated the defacto complainant.

3. The learned counsel for the petitioner would submit that he has filed a civil suit in the year 2019 and the same is pending. When he has sold the property in favour of the third party, the present case has been filed.

4. The learned counsel appearing for the intervenor / defacto complainant opposing the prayer, would submit that even in the earlier civil suit pending, the written statement has been filed, where it has been specifically pleaded that the originals have been handed over to the defendant and in the teeth of the said pleadings, without informing the police, he has lodged a false complaint as if the originals are lost and has obtained a Non Traceable Certificate and made a false complaint and attempted to alienate the property in favour of the third party and executed a release deed in favour of the third party.

4. I have considered the submissions made on either side.

6. Considering the fact that the suit is pending from the year 2019 and considering the nature of allegations made against the petitioner, I am of the view that in this case, the petitioner can be enlarged on anticipatory bail.



CRL OP(MD). No.11735 of 2024

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7. Accordingly, this Petition is allowed and 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.II, Virudhunagar, 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 daily at 10.30 am for a period of four weeks and thereafter, as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this Court;

(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



CRL OP(MD). No.11735 of 2024

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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/-
06/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

To

- 1.The Judicial Magistrate No.II,
Virudhunagar.
- 2.Do through the Chief Judicial Magistrate,
Virudhunagar District.
- 3.The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD). No.11735 of 2024

+1 CC to M/s.M.K.SURESH, Advocate (SR-9556[I] dated 07/08/2024)

ORDER
IN
CRL OP(MD) No.11735 of 2024
Date :06/08/2024

ED/ VR /SAR- (19/08/2024) 5P / 6C

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