



CRL OP(MD). No.17630 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17630 of 2024

Dhanapandiyan, ... Petitioner / 3rd Accused

Vs

The State Represented by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.186 of 2024)

... Respondent/Complainant

For Petitioner : M/s.S.Prabhu
Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.186/2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 467 and 468 of IPC, in Crime No.186 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that originally the property belonged to one Rajeshwari. Even when she was alive, a bogus death certificate and legal heirs certificate were created, and the accused sold the property in favour of A1. A1 thereafter was contemplating to sell the property. The present accused No.3 is said to have introduced the de-facto complainant to A1. The de-facto complainant had paid an advance amount of Rs.45,50,000/- (Rupees forty five lakhs and fifty thousand only), and thereafter only it was came to be known that even A1 did not have title and the entire transactions were bogus. Hence, this case.

3. Heard the learned counsel on either side, and perused the material records of the case.



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4. Considering the fact that it is stated that A1, subsequently, has returned the money of Rs.45,50,000/- to the de-facto complainant and the said fact has been recorded by the learned Principal Sessions Judge, Madurai in Crl.MP.No.5247 of 2024 and before the Sessions Court, the de-facto complainant was also present by way of an intervening petition, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate Court, Thirumangalam, Madurai District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two common 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;



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(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter, as and when required for the interrogation.

(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 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



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

sd/-
21/10/2024

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/ 11 /2024
Sub-Assistant Registrar (CS-I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Judicial Magistrate,
Thirumangalam, Madurai District.
2. Do-Through,
The Chief Judicial Magistrate,
Thirumangalam, Madurai District.
3. The Inspector of Police,
Kallikudi Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER
IN
CRL OP(MD) No.17630 of 2024
Date : 21.10.2024

SI/ MMS/ / -(14.11.2024) 6P/ 5 C

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