



Crl.O.P(MD)No.18594 of 2024:

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD)Nos.18594 & 18608 of 2024

Crl.O.P(MD)No.18594 of 2024:

S.Ponnudurai

... Petitioner/ Accused Rank not known

Crl.O.P(MD)No.18608 of 2024:

Muthukrishnan

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu
Rep. By the Inspector of Police,
EOW Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.2 of 2024)

...Respondent/Complainant
(in both Petitions)

For Petitioner : M/s.C.Jeganathan
Advocate (in bothPetitions)

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
(in both Petitions)



Crl.O.P(MD)No.18594 of 2024:

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

PRAYER :- For Anticipatory Bail in Crime No.2/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 409, 420, 467, 468, 471, 477(A) r/w 34 of IPC in Crime No.2 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons conspired among themselves and an extent of 4 cents of land belonging to the society has been sold to non-members. There are totally 7 accused persons in this case and the petitioners have been arrayed as A5 and A7.

3. In so far as A5 is concerned, he is the power of attorney agent of A2 and A7 is the purchaser of the property. This property was sold by A5 in his capacity as an agent to A7.

4. A6 who was also a subsequent purchaser had approached this Court and filed anticipatory bail petition in Crl.O.P(MD)No.17918 of 2024. This Court by an order dated 22.10.2024 granted anticipatory bail. In the instant case, A1 to A3 have already been arrested. Hence, the case.

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

the case

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



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6. Taking into consideration the facts and circumstances of the case and also considering the fact that one of the co-accused had already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Thirunelveli, Thirunelveli District on condition that the petitioners 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;



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[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
08/11/2024

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

RJR
TO

1 THE JUDICIAL MAGISTRATE NO.II,
THIRUNELVELI, THIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
EOW POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

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

MADURAI

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



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+2 CC to M/s.C.JEGANATHAN, Advocate (SR-13783 & 13784 [I] dated
11/11/2024)

ORDER
IN
CRL OP(MD) No.18594 of 2024
Date :08/11/2024

SA/SAR. /25.11.2024/5P/7C

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