



CRL OP(MD). No.18753 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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J.David

... Petitioner / Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
DCB-Thoothukudi,
Thoothukudi District.
(Crime No.18 of 2024)

... Respondent/Complainant

For Petitioner : M/s.Henri Patrick Tiphange,
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.18/2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471 and 420 of IPC, in Crime No.18 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused committed a crime against the de-facto complainant. Hence, the complaint.

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

4. Considering the overall facts and circumstances of the case and considering the nature of purchase of the land and specific performance and considering the fact that already the co-accused in this case was granted anticipatory bail by this Court in Crl.O.P.(MD). No. 8604 of 2024 dated 24.09.2024, after considering the documents that though it is a cheque, which was mentioned in the sale deed, was not encashed, 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 No.IV,



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Thoothukudi, 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;

(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

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229-A IPC.

sd/-
29/10/2024

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

PAL
TO

1 THE JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
DCB-THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.18753 of 2024
Date :29/10/2024

SA/SAR. /11.11.2024/5P/5C

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