



CRL OP(MD). No.20629 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Martin @ Martinkumar,

2. Charles @ Jebamani Charles, ... Petitioners/ Accused 7 & 8

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
DCB-Tenkasi Police Station,
Tenkasi District.
(Crime No. 8 of 2024).

... Respondent/Complainant

For Petitioners : Mr.K.Sivabalan
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 8 of 2024 on the file of the Respondent police.



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ORDER: The Court made the following order :-

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The petitioners / Accused Nos.7 & 8, who apprehend arrest at the hands of the respondent Police, for the offences under Sections 408, 417, 418, 420, 423, 463, 120B of IPC in Crime No.8 of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that Accused No.1 was the Manager working in the company of the *defacto* complainant. The Director of the Company had executed a general power of attorney in respect of the properties belonging to the Company and the only right given to Accused No.1 was to present the documents for registration and the actual execution will be done only by the Directors of the Company. However, all the accused persons joined together and managed to sell the property to Accused Nos.14 and 15. There are totally 16 accused persons in this case and the petitioners have been arrayed as Accused No.7 and 8.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police.



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4. Taking into consideration the facts and circumstances of the case and considering the fact that the main accused person / Accused No.1 was arrested in this case and was later, enlarged on bail and these petitioners happened to be the brothers of Accused No.2 (brothers-in-law of Accused No.1) and no money trail was traceable to the petitioners and there are no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. 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 No.1, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;



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[b] the petitioners shall report before the respondent police every Monday and Friday at 05.30 p.m. for a period of eight weeks and thereafter, 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;

[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 269 of BNS 2023.

sd/-
27/11/2024

/ TRUE COPY /

/12/2024

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

TSG



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE,
DCB-TENKASI POLICE STATION,
TENKASI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.SIVABALAN, Advocate (SR-14616[I] dated 27/11/2024)

ORDER
IN
CRL OP(MD) No.20629 of 2024
Date :27/11/2024

SS/VR/SAR- /04/12/2024/ 5P/6C

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