



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Nineteenth day of January Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.21625 of 2014

S.GNANAPPAN

..PETITIONER/SOLE ACCUSED

ABDUL AZEEA

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

CITY CRIME BRANCH, TRICHY CITY,

TRICHY.

CRIME NO.29 OF 2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.SUBASH BABU Advocate

For Respondent : Mr.C.RAMESH, Additional Public Prosecutor

For Intervenor : Mr.B.JAMEEL ARASU, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

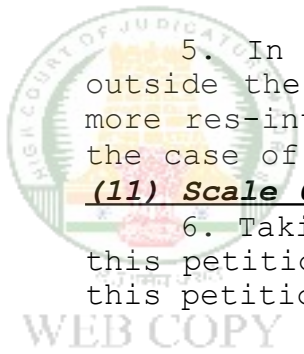
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 466, 468, 471 and 420 IPC in Crime No.29 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State. Learned counsel for the Intervenor strongly opposed to the grant of anticipatory bail to this petitioner.

3. The case of the prosecution is that the petitioner herein has filed a suit in O.S.No.1432 of 2013 before the learned III Additional District Munsif Court, Tiruchirappalli against one Fathima Bibi. In that suit, he has filed eight documents. Document No.2 is a certificate dated 16.06.2013 issued by the Tahsildar to the effect that this petitioner is running a Tea Stall in the said property. It is seen that the said certificate was not issued by the Tahsildar at all and it was a fabricated and forged one.

4. Mr.Subash Babu, learned counsel for the petitioner strongly placed reliance on the judgment of the Hon'ble Supreme Court in the case of C.Muniappan and others vs. State of Tamil Nadu, reported in AIR 2010 SC 3718 and contended that for laying prosecution in respect of a document produced in the Court, the proceedings under Sections 195 r/w 340 Cr.P.C. should be invoked. I am unable to agree with this contention, because the fact in issue in the aforesaid judgment is not the same as that obtains in this case. In that case, the question was whether the offence under Section 188 IPC could be charged along with Section 302 IPC and other offences, because it was contended that the accused therein had violated certain prohibitory orders that were issued by the District Collector, banning procession and dharna. In that context, the Hon'ble Supreme Court held that such offences cannot be tried along with cognizable offences for which a final report has been filed by Police.



5. In this case, the document that is relied upon was fabricated outside the Court and was filed along with the plaint. This issue is no more res-integra in view of the judgment of the Hon'ble Supreme Court in the case of George Bhaktan vs. Rabindra Lele and others, reported in 2014 (11) Scale 613, which is the settled issue.

6. Taking into consideration the serious nature of allegation against this petitioner, this Court is not inclined to grant anticipatory bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-

19/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE III ADDITIONAL DISTRICT MUNSIF, TIRUCHIRAPPALLI.

2 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

3 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, TRICHY CITY, TRICHY.

+1. CC to M/S.B.JAMEEL ARASU, Advocate SR.No.2168

ORDER IN

CRL OP(MD) No.21625 of 2014

Date :19/01/2015

PBK 23/01/2015 ::2P-5C: