



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.752 of 2015

RAJENDRAN

... PETITIONER/ACCUSED NO.6

Vs

STATE REP BY

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, DINDIGUL DISTRICT,

CRIME NO.64/2008

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.LAWRANCE Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN

Govt. Advocate (Crl. Side)

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

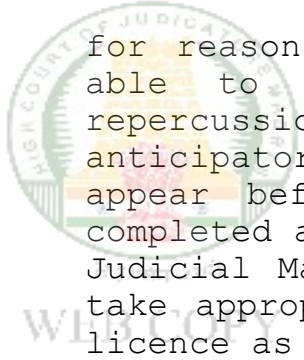
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471 and 472 IPC in Crime No.64 of 2008 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. This petitioner is an Advocate Clerk and the complainant is none other than the learned Judicial Magistrate, Dindigul. The case of the prosecution is that this petitioner had produced bogus sureties before the learned Judicial Magistrate in compliance with an order of bail that was granted to an accused in a criminal case. During the course of surety enquiry, these facts came to light.

4. It is seen that Police have arrested the principal accused, namely, A1 to A4. It is represented that A5 is absconding. It is no doubt true that this petitioner's involvement in this offence cannot be dismissed lightly, because, as Clerk of an Advocate, he has got a duty to see that discipline of Court is not violated. In normal circumstances, this Court would dismiss the anticipatory bail petition of this nature in limine, but I find that this case has been registered in the year 2008 and we are now in the year 2015 and



for reasons well known to everyone that the Police have not been able to touch the Advocate's clerk in fear of unpleasant repercussion. Therefore, it will serve the interest of justice if anticipatory bail is granted to the petitioner, he could at least appear before the respondent police and investigation could be completed and final report filed. This Court suggests to the learned Judicial Magistrate No.II, Dindigul and Sherishtar of the Court to take appropriate action against this petitioner for cancelling his licence as Advocate Clerk.

5. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police twice a day daily at 10:30 a.m. and 06:30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall give his thumb impression, specimen signature and specimen hand writing to the Police when demanded.

[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].

6. If any of the condition is violated by this petitioner, State is at liberty to move petition for cancellation of his bail.

sd/-
20/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO. II
DINDIGUL

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

4. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT

+1. CC to M/S. J. LAWRENCE Advocate SR.No. 2648

RL/6 C- 22/1/2015

ORDER
IN
CRL OP (MD) No. 752 of 2015
Date : 20/01/2015