

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.20840 of 2017

1 T.K.NANDA KUMAR [PETITIONERS / ACCUSED]
2 P.N.SALIM KUMARAN

Vs

THE STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
FORGERY WING,
VEPERI, CHENNAI-600 007.
CR.NO.251 OF 2017.

For Petitioner : M/S.V.PAVEL Advocate

For Respondent : MR. K.MATHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471 and 420 r/w34 of IPC in Crime No.251 of 2017, seek anticipatory bail.

2. This is the second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.No.17950 of 2017 was dismissed by this Court on 05.09.2017.

3. The learned counsel for the petitioners submitted that the name of the petitioners do not figure in the FIR and that the petitioners surrendered their certificates to the Registrar, Tamil Nadu Homeopathy Medical Council on 04.12.2015. The petitioners have also filed a joint affidavit on 23.10.2017 wherein, in paragraph No.4, it is stated as follows:-

"4. We further submits that the Tamil Nadu Homeopathy Medical Council called for our certificates for verification for the reason of detecting genuinity of the certificate and also for issuance of 2D- Bar Code Certificates. In due course of applying for 2D-Bar Code Certificates were issued by the public servants in the registration numbers of dead persons. Immediately we surrendered our registration certificates to the council

on 04.12.2015. Thereafter we stopped our Homeopathy Practice in our localities".

4. The learned Government Advocate (Crl. Side) submitted that more than five persons, named in the FIR, have been arrested and investigation conducted, so far, does not disclose serious allegations against the petitioners herein.

5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on 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 Special Metropolitan Magistrate for CCB, Allikulam, on condition that each petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, out of whom, one shall be a blood related surety, 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 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 daily at 10.30 a.m, for the period of two weeks.

[c] the petitioners shall co-operate with the trial Court and cross-examine the witnesses on the day they are examined in-chief as directed by the Supreme Court in **Vinoth Kumar Vs. State of Punjab [2015 (1) MLJ (cr1) 288]**. If the accused adopts any dilatory tactics, it is open to the trial Court to remand their to custody in terms of the law laid down by the Supreme Court in **State of Uttar Pradesh V. Shambunath Singh [JT 2001 (4) SC 319]**.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL METROPOLITAN
MAGISTRATE FOR CCB, ALLIKULAM, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
FORGERY WING,
VEPERI, CHENNAI-600 007.

+2CC to M/S.V.PAVEL Advocate on payment of necessary charges
SR NO.19750

CRL OP.20840/2017

Date :25/10/2017

MK:26/10/2017