



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

Friday, the Twenty Third day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.7822 of 2017

VIJAYAKUMAR

... PETITIONER/4th ACCUSED

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
K.PUDUR POLICE STATION,
MADURAI CITY,
(CRIME NO. 1331/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.VEILKANI RAJU Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor,

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

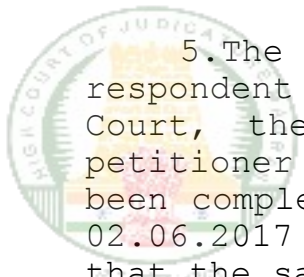
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.4 in Crime No.1331 of 2016 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 193, 466, 468, 471 r/w 34 of IPC and hence, seeks anticipatory bail.

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

3.The case of the prosecution is that A1 to A3 are alleged to have filed an application for anticipatory bail before this Court by committing fraud. The allegation against the petitioner is that he has attested in the vakalat filed by A1 to A3, as if they affixed their signatures in his presence.

4.The learned Counsel appearing for the petitioner would submit that the defacto complainant has lodged the complaint only against A1 to A3. The petitioner's name is not found place in the F.I.R.. The petitioner was initially enquired only as a witness in this case. But, without conducting proper investigation, the respondent Police has falsely implicated the petitioner/A4 in the charge sheet. Neither the party nor the counsel disputed the signature in the present case. There is no specific overtact against the petitioner. No offence is made out against the petitioner. He is innocent. He is the only breadwinner of his family. Due to the registration of the FIR, the carrier of the petitioner is affected. He is ready to cooperate with the investigation.



5.The learned Additional Public Prosecutor appearing for the respondent submitted that only based on the complaint given by this Court, the F.I.R has been registered. After investigation, the petitioner has been implicated as A4. The investigation has already been completed in this case and charge sheet has also been filed on 02.06.2017 before the learned Judicial Magistrate No.VI, Madurai and that the same is yet to be taken on file.

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6.Considering the facts and circumstances of the case and also considering the fact that the investigation has already been completed and charge sheet has also been filed in this case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, No.VI, Madurai and on his executing an own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the concerned Court on receipt of summons. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

23/06/2017

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

TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE
K.PUDUR POLICE STATION, MADURAI CITY

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

+1. CC to M/S.M.VEILKANI RAJU Advocate SR.No.25004

ORDER

IN

CRL OP(MD) No.7822 of 2017

Date :23/06/2017