

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15434 of 2018

VASANTHAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
CCB, TIRUPPUR.
CR. NO. 15 OF 2018.

[RESPONDENT]

For Petitioner : M/S.S.GANESHKUMAR Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.15 of 2018 registered by the respondent police for the alleged offence punishable under Sections 120B, 419, 467, 471 and 472 of IPC.

2. The case of the prosecution as per the de-facto complainant one Vasanthi is that the petitioner, who is the friend of the first accused Navaneethan with the help of the other accused impersonated her and had registered a release deed as if she has released all her properties in favour of Navaneethan(A1).

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the offence is said to have been committed in the year 2017 and the case has been registered on the complaint given by the defacto complainant on 05.06.2018. He would submit that believing A1 that A4 the impersonator was the sister of A1, the petitioner had signed only as a witness in the release deed registered by A1 in his favor. He would submit that the petitioner has not obtained any pecuniary gain in the transaction. He would submit that innocently he had believed A1 and signed as witness and that the arrested accused has been enlarged on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner assisted the first accused in creating fabricated release deed with the help of A4 and impersonated the defacto complainant. He would submit that the arrested accused have been enlarged on bail.

5. Taking into consideration the facts of the case and the submissions made by the counsels and taking note of the fact that the petitioner assisted the first accused in impersonating the defacto complainant and that the arrested accused was released on bail, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

[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]**.

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

-sd/-
06/07/2018

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 JUDICIAL MAGISTRATE,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB, TIRUPPUR.

+1CC to M/S.S.GANESHKUMAR Advocate on payment of necessary
charges SR NO.12436

CRL OP.15434/2018

Date :06/07/2018

MK:13/07/2018