

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16549 of 2018

JOHN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
KACHIRAPALAYAM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO. 367 OF 2016

[RESPONDENT]

For Petitioner : M/S.V.GUNASEKAR 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.367 of 2016 registered by the respondent police for the offence punishable under Sections 468, 471, 420 of IPC r/w Section 12(1) (b) of Indian Passport Act, 1967.

2. The case of the prosecution as per the de-facto complainant is that the first accused viz., Vijay applied for passport and that he had furnished the fabricated school certificates. The further allegation is that the first accused was arrested and during investigation, he had confessed that the petitioner(A2) is the person, who has given the certificate.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case based on the confession statement of the first accused that the petitioner has given him the fabricated certificate. He would submit that the first accused was arrested and later enlarged on bail.

4. The learned Additional Public Prosecutor would submit that first accused in this case furnished an application for obtaining passport and he has produced the fake documents and that during enquiry, he has confessed that the petitioner is the person, who has given the certificate. He would submit that the arrested accused has been enlarged on bail.

5. Taking into consideration the facts of the case and the submissions made by the counsels, 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, Kallkurichi, 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 fails 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/-
29/06/2018

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, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KACHIRAPALAYAM POLICE STATION,
VILLUPURAM DISTRICT.

+1CC to M/S.V.GUNASEKAR Advocate on payment of necessary
charges SR NO.11997

CRL OP.16549/2018

Date :29/06/2018

MK:06/07/2018