

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.24502 of 2018

ELAMARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
SIRKALI POLICE STATION,
NAGAPATTINAM DISTRICT.
CR. NO. 208 OF 2018.

[RESPONDENT]

For Petitioner : M/S.OM SAI RAM Advocate

For Respondent : M/S.KRITIKA KAMAL.P, GOVERNMENT 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 for the alleged offence under Sections 468 & 471 IPC in Crime No.208 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3. There are totally two accused in this case and the petitioner is arrayed as A2. The case of the prosecution is that the petitioner was found in possession of forged documents of a bus bearing Registration No.PY-02-H-1350.

4 .The learned counsel appearing for the petitioner would submit that the petitioner/A2 is only the lessee of the vehicle and the vehicle viz., the bus was said to have been run with forged Test Report and Tax Receipt.

5. The learned Government Advocate (Crl.side) would submit that the petitioner was found in possession of forged documents of the bus bearing No.PY-02-H-1350.

6. Taking into consideration the facts and circumstances of the case and the fact that the petitioner is only lessee of the vehicle, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned

Judicial Magistrate, Sirkali, within a period of 15 days from the date of receipt of a copy of this order, on executing a separate 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 learned Magistrate concerned and on further conditions that:

[a] if the petitioner fails to surrender before the concerned Magistrate/Court within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner 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.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 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]**.

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

सत्यमेव जयते -sd/-

16/10/2018

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,
SIRKALI, NAGAPATTINA DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SIRKALI POLICE STATION,
NAGAPATTINAM DISTRICT.

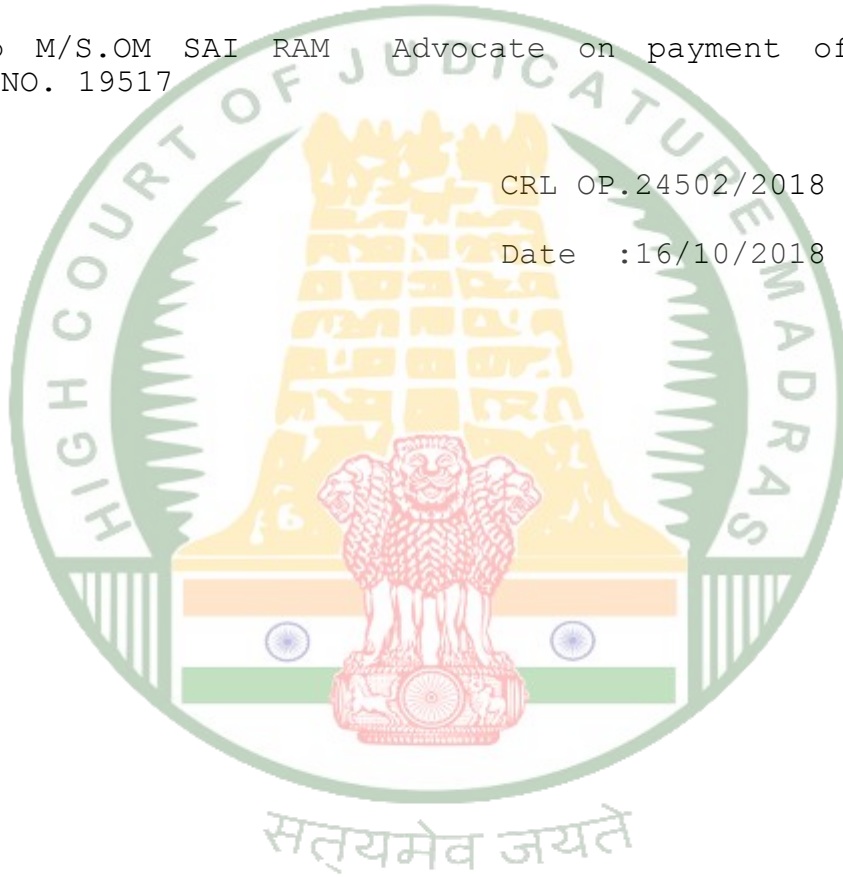
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.OM SAI RAM Advocate on payment of necessary
charges in SR.NO. 19517

CRL OP.24502/2018

Date :16/10/2018

MLT-17/10/2018



WEB COPY