



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1274 of 2018

ABDUL MALIK,

... PETITIONER/ACCUSED NO.5

Vs

STATE : INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT,
CR.NO.334/2017

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.KANNAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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.5, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 177, 465, 468, 417, 419, 420 and 120(B) of IPC., in Crime No.334 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.12.2018, the accused No.1 who belongs to Kerala State, along with two other accused came to the defacto complainant who is the Village Administrative Officer, with fabricated documents to obtain Residential Certificate in her name as if she is residing in the address found in Ilayankudi so as to obtain passport in her name and this petitioner had helped her through his Travel agency. On verification, the defacto complainant by knowing that the accused No.1 belongs to Kerala, hence he has lodged the complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected this offence and pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl. Side) submitted that the petitioner running a Travel Agency.

5.The submissions made by either side are considered. It is alleged during the time of occurrence in order to get the certificate from V.A.O, the petitioner being the Travel Agent helped to A1. This is the only allegation against this petitioner.

6.Taking all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation may not be necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he 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, Ilayangudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-
29/01/2018

/ TRUE COPY /

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



TM
TO

1 THE JUDICIAL MAGISTRATE, ILAYANGUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION, SIVAGANGAI DISTRICT,

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

+1. CC to M/S.V.KANNAN Advocate SR.No.1454

GJM/RR/SAR-2-1.2.18-3P-6C

ORDER

IN

CRL OP(MD) No.1274 of 2018

Date :29/01/2018