



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

Friday, the Ninth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2070 of 2018

R. VAITHIYANATHAN

... PETITIONER/ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ILAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT
IN CRIME NO.334/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PRABHA Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/Rank not known, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 177, 465, 468, 417, 419 and 120-B I.P.C., in Crime No.334 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 in this case have created a forged document in order to obtain passport. Thereby, the defacto complainant, who is the Village Administrative Officer lodged a complaint, due to which, A1 and A2 were arrested. Based on the confession of A1 and A2, this petitioner has been implicated in this case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The submissions made by the learned counsel appearing on



either side are considered. It is alleged that during the time of occurrence, the petitioner herein approached the defacto complainant for getting forged residential certificate, the defacto complainant being the Village Administrative Officer complaint this matter before the respondent police. According to prosecution, as of now, nothing has to be recovered by way of interrogation. So, considering the facts and circumstances of the case, 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, Illayankudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, **in which, one surety must be a Government Servant with drawing salary not less than Rs.25,000/-** 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. Until further orders.

(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/-
09/02/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
ILLAYANKUDI

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
ILAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.S.PRABHA Advocate SR.No.2234

ORDER

IN

CRL OP (MD) No.2070 of 2018

Date :09/02/2018

SMA/RR-CSL/SAR-4/15.02.2018:3P/6c