



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.231 of 2018

1 A.NATHAAR BHAVA
2 DIWAN MYDEEN

... PETITIONER / ACCUSED 2 & 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI.

CRIME NO.1292 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.A.HAJA MOHIDEEN, Advocate
For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

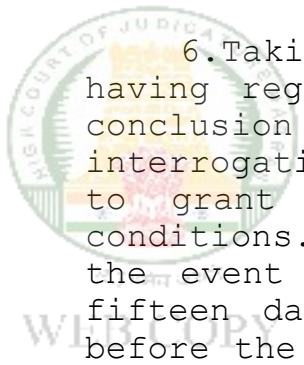
The petitioners who are arrayed as A2 and A4, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 420, 465, 468 and 471 of IPC in Crime No.1292 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant A.S.Kalaivani, Assistant passport Officer, Madurai, received an application for issue of passport from one applicant by name Isakithurai, S/o.Karuppasamy. The defacto complainant checked the same and felt that his documents of Voter ID and 10th Mark sheet were suspected to be fake. Hence, the defacto complainant lodged a complainant before the respondent police.

3.The learned counsel appearing for the petitioners submitted that they have not committed anything as alleged by the defacto complainant.

4. The learned Government Advocate(Crl. Side) submitted that investigation is still pending.

5.The submissions made on either side are considered. As per the complaint lodged by the Assistant Passport Officer, she made allegation only against one Isakithurai who is the person trying to get a passport after submitting the fake S.S.L.C Mark sheet. There is no overtact is attributed against these petitioners. The learned Government Advocate(crl.side) has not raised any serious objection.



6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-V, Madurai on condition that each of the petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

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

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

08/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
4. THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.HAJA MOHIDEEN Advocate SR.No.303

ORDER

IN

CRL OP(MD) No.231 of 2018

Date :08/01/2018