

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4058 of 2020

ARIVAZHAGAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.
CR.NO.30 OF 2019

[RESPONDENT]

For Petitioner : M/S.DASS AND VISWA ASSOCIATES Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 465, 467, 468, 471 of IPC, in Crime No.30 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A3 has jointed with other accused persons, created 5 fabricated driving license and issued to 5 persons on 27.05.2019 at Tirutani Motor Vehicle Inspector office and the same was identified by the defacto complainant during his inspection on 29.08.2019. Hence a complaint before the respondent police.

3.The learned counsel for the petitioner would further submit that the petitioner is arrayed as an accused only on assumption and presumption, he is no way connected in this case and the co accused persons were enlarged on bail. The learned counsel on instructions, would further submit that to show his bonafide, the petitioner is ready to deposit a sum of Rs. 1 Lakh for the purpose of construction of toilets in the Panchayat Union Primary School, Nagamangalam, Manikandam Union, Trichy District. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioner and would submit that the investigation is pending. He would further submit that the petitioner is arrayed as the 3rd accused in this case.

5. Taking into consideration, the petitioner has come forward himself to pay a sum of Rs.1,00,000/- (Rupees: One Lakh only) for the purpose of constructing toilets in the Panchayat Union Primary School, Nagamangalam, Manikandam Union, Trichy District and the co accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1 Lakh to the credit of Crime No.30/2019 for the purpose of constructing toilets in Panchayat Union Primary School, Nagamangalam, Manikandam Union, Trichy District, within a period of two weeks from the date of which the order made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate Thirukovilur, 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 learned Magistrate concerned and on further condition that:

(a) the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) directly to the Principal /Head Master/ Head Mistress of the Panchayat Union Primary School, Nagamangalam, Manikandam Union, Trichy District by way of Demand Draft drawn in favour of the Principal /Head Master/ Head Mistress, within a period of two weeks from the date the order copy is made ready.

(b) On receipt of the said amount, the Principal/ Head Master/ Head Mistress of the Girls Government School, Manikandam, Trichy District, shall use the sum for construction of toilets in the School premises. After completion of the construction of toilet in the School premises, the Principal/ Head Master/ Head Mistress shall submit a visual report to the Chief Educational Officer, Dindigul District. The entire exercise shall be completed within a period of three months from the date of receipt of the amount.

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

26/02/2020

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,
THIRUKOVILUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.

5 THE PRINCIPAL/HEAD MASGTER
HEAD MISTRESS OF THE PANCHAYAT UNION PRIMARY SCHOOL,
NAGAMANAGALAM, MANIKANDAM UNION
TRICHY DISTRICT

6 THE PRINCIPAL/HEAD MASGTER
HEAD MISTRESS OF THE GIRLS GOVERNMENT SCHOOL,
MANIKANDAM TRICHY DISTRICT

7 THE CHIEF EDUCATIONAL OFFICER
DINDIGUL DISTRICT

+2 CC to M/S.DASS AND VISWA ASSOCIATES Advocate on payment of necessary charges SR.NO. 4151,3896

CRL OP.4058/2020

Date :26/02/2020

RD 03/03/2020