

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12112 of 2020

G.Mathiyalagan

... Petitioner

Vs.

State rep.by

The Inspector of Police,
District Crime Branch,
Tiruvavur.

(Crime No.5 of 2017)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.5 of 2017 on the file of the respondent police.

For Petitioner : Mr.T.N.Buvaraneswaran

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471 and 420 IPC, in Crime No.5 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that she had received a petition from one Prabhu who is the President of Private Consumer Protection Association, Tirukkandishwaram Village, that based on the forged patta and chitta documents issued by the Village Administrative Officer, loan was granted by the Agricultural Co-operative Society, Nannilam. The further allegation is that forged cultivation certificates have been issued in respect of Saliperi and Nallamangadi village by the Village Administrative Officer. Hence, the complaint.

3. Learned counsel for the petitioner would submit that the petitioner was the Vice President of Nannilam Agricultural Co-operative Society in the year 2016. When he was in the said post, the petitioner had taken strict legal action against one person for misappropriation of the Society fund and the said person has instigated the said Prabhu and based on that a false complaint has been given. He would submit that the society has not sustained any loss and that the petitioner has not given any loans based on the alleged forged documents. He would submit that the petitioner is prepared to appear before the respondent for any kind of enquiry. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that the defacto complainant is the Divisional Revenue Officer who has received a petition from one Prabhu claiming that the Village Administrative Officers of Salippery and Nallamangadihad, have given cultivation certificates based on which, enquiry was conducted and it was found that third parties have fabricated those documents and enquiry revealed that the Village Administrative Officers have not done it. He would submit that the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate Court, Tiruvarur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] **the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7.With the above directions, this Criminal Original Petition is ordered.

-sd/-
31/08/2020

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 COURT,
TIRUVARUR.

2 THE PUBLIC PROSECUTOR
MADRAS HIGH COURT, CHENNAI.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVARUR.

CC to TN.BUVANESWARAN Advocate on payment of necessary charges

CRL OP.12112/2020

Date :31/08/2020

MK:15/09/2020