

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17260 of 2020

1. Murugaiyan
2. Vimala

... Petitioners

Vs.

State Rep. By

The Inspector of Police,

Thiruthuraipoondi Police Station,

Thiruvarur District.

(Cr.No.2433 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.2433 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.Swami Subramanian

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under **Sections 419, 465, 467, 448 and 420 of IPC**, in Crime No.2433 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Keerthivasan is that the petitioners who are tenants under him by forging his mother's signature, applied for fertilizer licence. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case to evict them under the threat of arrest. He would submit that the petitioners are tenants under the defacto complainant's mother from the year 1975 and the suit is pending, the defacto complainant has filed a suit against them for eviction. While so, the petitioners approached the defacto complainant for getting a no objection certificate for fertilizer licence and the defacto complainant has given the no objection certificate and believing the signature to be true, the petitioner produced it, whereas the defacto complainant had cunningly trapped the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioners, who are the tenants forged the signature of the mother of the defacto complainant and applied for fertilizer licence. 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 petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District**, on condition that each of the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] **the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.**

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

[d] the petitioners 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 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]**.

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

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

-sd/-

04/11/2020

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,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of
necessary charges

CRL OP.17260/2020

Date :04/11/2020

RVR (GKS) :23/11/2020