



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

Date : 13/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7029 of 2020

M.MURUGAN

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
B1 TOWN POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 200 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 200 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 420,
465, 468, 471 of I.P.C., in Crime No. 200 of 2020 on the file of
the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner belongs
to 'Hindu Agamudaiyar' community, however fabricated the records and
given the community as 'Hindu Maravar' and obtained a job in the
Police Department as Grade-II Police Constable.

<https://hccourts.gov.in/>



4.Mr.G. Thalaimutharasu, learned counsel appearing for the petitioner has produced school transfer certificate which was issued in the year 1967 and also a community certificate issued by the Tahsildar in the year 1993 which shows that the petitioner belongs to the community of 'Hindu Maravar'. He further stated that without any basis the Tahsildar has stated in her letter that the petitioner belongs to 'Hindu Agamudaiyar' community.

5. The learned Additional Public Prosecutor would submit that the petitioner actually belongs to 'Hindu Agamudaiyar' community which comes under the category of 'Backward Class' and fabricated the school records and obtained the community certificate as 'Hindu Maravar' which comes under the category of 'Most Backward Class' and obtained a job in the Police department as Grade-II Police Constable.

6. Considering the rival submissions and on perusal of the records, particularly, the transfer certificate and also the community certificate the petitioner's father name is shown as N. Muthirulappan and shows the community as 'Hindu Maravar'. Except the letter sent by the Tashildar, other records shows that the petitioner belongs to 'Hindu Maravar' community, in which prima facie shows that the petitioner belongs to 'Hindu Maravar' community and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(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 as and when required for interrogation.

(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



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;

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

WEB COPY

sd/-
13/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
B1 TOWN POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7029 of 2020
Date :13/07/2020

KSA
JM/JC/SAR 2/15.07.2020/3P/5C