



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

Date : 24/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8085 of 2020

1.Gopinath
2.Jayalakshmi
3.Jothi Vengadeshwari ... Petitioners/Accused No.2, 3 & 4

Vs

The State rep.by
The Inspector of Police,
Vaiyampatti Pollice Station,
Manaparai Taluk, Trichy District.
Crime No. 768 of 2020. ... Respondent/Complainant

For Petitioners: Mr.B.Prahalad Ravi, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervener : Mr.Laxmi Shankar, Advocate.

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

PRAYER :-

For Anticipatory Bail in Cr.No.768 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2, A3 and A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 465, 468 and 506(i) of IPC, in Crime No.768 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused is a tenant. The petitioners along with A1 said to have forged the signature of the defacto complainant's husband and created a forged rental agreement and refused to vacate the premises. Thereafter, A1 has filed a civil suit before the concerned Court and no injunction was granted to him. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.



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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the first accused filed an undertaking affidavit before this Court to the effect that he will vacate the premises and hand over the possession to the defacto complainant on or before 30.11.2020. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners are supporters of the first accused and the petitioners along with A1 said to have forged the signature of the petitioners and created a forged rental agreement. Hence, the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that the first accused has already filed an undertaking affidavit to the effect that he will vacate the shop and hand over the possession to the defacto complainant on or before 30.11.2020, hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

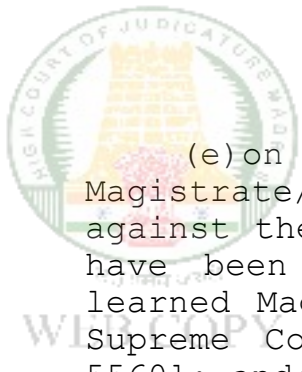
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manaparai, Trichy District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(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]; and;

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

sd/-
24/08/2020

/ 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, MANAPARAI, TRICHY DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
MANAPARAI TALUK, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-6083[I] dated 25/08/2020)

ORDER
IN
CRL OP(MD) No.8085 of 2020
Date :24/08/2020

vsg
TK/PN/SAR.2/28.08.2020/3P/6C