



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.8079 of 2020

Narayanan

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : 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 Crime No. 768 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, 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, seeks anticipatory bail.

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



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

4. On earlier occasion, when the matter came up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner wants to file an undertaking affidavit to the effect that he will vacate the premises and hand over the possession to the defacto complainant on or before 30.11.2020.

5. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner filed an undertaking affidavit to that effect and the same was recorded.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police has no objection to grant anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case and also considering the undertaking affidavit filed by the petitioner, it is seen that the petitioner will vacate the premises 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 petitioner with certain conditions.

8. 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, Manaparai, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 is directed to vacate the shop on or before 30.11.2020 as per the undertaking affidavit filed by the petitioner.

(b) 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;

(c) the petitioner shall report before the respondent police as and when required for interrogation.

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



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

(f) 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;

(g) if the accused/petitioner thereafter absconds, 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-6080[I] dated 25/08/2020)

ORDER
IN
CRL OP(MD) No.8079 of 2020
Date : 24/08/2020

VSG

<https://hccvjcepgov.in/Services/2020/3P/6C>