



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . Nos.8162 and 8377 of 2020

1.P.Manoharan	... Petitioner/Accused in Crl.O.P.(MD)No.8162/2020
2.Padma	... Petitioner/Accused in Crl.O.P.(MD)No.8377/2020

Vs

The State rep. by
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
(Crime No. 742/2020).

... Respondent/Complainant
in both the petitions

For Petitioner (in Crl.O.P.(MD)No.8162/2020)	: MR.H.Mohammed imran for M/s.Ajmal Associates, Advocate.
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For Petitioner (in Crl.O.P.(MD)No.8377/2020)	: M/S.K.Pragadeesh Kumar, Advocate.
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For Respondent (in both the petitions)	: Mr.K.Suyambulinga Bharathi, Government Advocate (Criminal Side)
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PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.742 of 2020 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

Totally there are four accused in this case. The petitioners are arrayed as A2 and A4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 466, 468, 471, 472 of I.P.C. and Section 66 of IT Act, in Crime No.742 of 2020, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that A-1 and A-4 are running a Computer Centre, A-2 is said to have given some documents to be uploaded in the web site maintained by A-4 in the name of one Tamil Nadu Makkal Tholilalar Sangam. The above said documents pertain to the enrollment of membership in the said Sangam, wherein, A-2 is said to have forged the signature of the Village Administrative Officer. Hence, based on the complaint given by the Village Administrative Officer, the case has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are no way connected with the alleged offence and the application have been purportedly sent by some third party who wants to become a member in the said Sangam and A-2 in this case, is not getting herself enrolled as a member therein. That apart, absolutely there is no allegation in the First Information Report regarding the involvement of the petitioners and only based on the confession statement of one of the co-accused, the petitioners/A-2 and A-4 have been implicated as accused in this case. Likewise, A-4 in this case was only running a Computer Centre and he only uploaded the document given to him. Apart from that he has absolutely no role to play and he has been falsely implicated in this case.

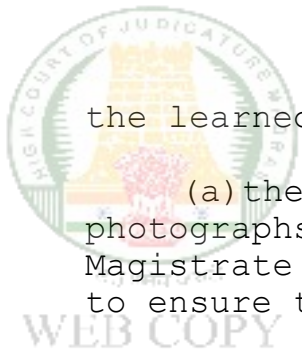
4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is pending.

5.I carefully consider the rival submissions and also perused the materials placed on record.

6.On perusal of the records, it is seen that the allegation against the petitioners is that they have prepared a form for the purpose of getting admission in the above mentioned Sangam, wherein, they forged the signature of the Village Administrative Officer, as if it has been certified by the Village Administrative Officer. In the First Information Report, it is not clearly mentioned that what was role played by these accused. Further, the petitioners have been implicated in the crime, based on the confession of the co-accused.

7.Considering the above facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, Trichy District, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the satisfaction of the Village Administrative 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/08/2020

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/ /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,
MUSIRI, TRICHY DISTRICT.

2. -DO- THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



3. THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.8162&8377 of 2020

Date :26/08/2020

SJI

SRS/ PN/ SAR-III/ 08.09.2020/ 4P/5C