



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9180 of 2020

1. Pakiyaraj
2. John Premkumar ... Petitioners/Accused No.2 & 3

Vs

state Rep.by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
Crime No.873/2020

... Respondent/Complainant

For Petitioners: Mr.G.Prabhu Rajadurai,
Advocate.

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

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

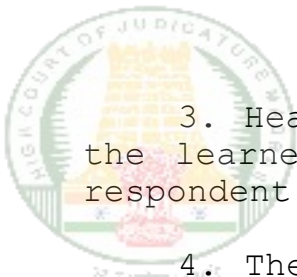
PRAYER :-

For Anticipatory Bail in Crime No. 873 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 415, 463, 468 and 120B of IPC, in Crime No.873 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is an Ex-President of the Kovilpatti Tamil Popeast School Association and his period expired in the year 2015. Thereafter, one Muthulakshmi is a President and the defacto complainant is a Secretary of the Association. The allegation is that after expiry of the period, A1 has claimed as a President of the Association and other accused persons created a false rubber stamp and sent various representations to the educational authorities, as if he is a President of the School Association. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the respondent police.

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 due to some enmity, the petitioners have been falsely implicated in this case. He further submitted that already this Court granted anticipatory bail to A1, in Crl.O.P.(MD).No.8845 of 2020, dated 27.08.2020. Hence, he seek anticipatory bail to the petitioners.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions would submit that already A1 has filed an undertaking affidavit before the school Association that he will not claimed as President of the School Association and reiterated the same and oppose the bail petition.

6. Considering the fact and circumstances of the case and also considering the submission of the petitioners that they have mistakenly sent representation to the educational authorities as President and this Court already granted anticipatory bail to A1, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, and on his executing 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 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/-
01/09/2020

/ 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,
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-6213[I] dated 02/09/2020)

ORDER
IN
CRL OP(MD) No.9180 of 2020
Date :01/09/2020

MS/PN/SAR-2/03.09.2020/3P.6C