



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

Date : 24/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.10208 of 2020

1.PERUMAL
2.SUDALAIMUTHU PILLAI ... PETITIONERS/ACCUSED NO.1&2

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.72 OF 2020. ... RESPONDENT/COMPLAINANT

For Petitioners: Mr.Niranjan S.Kumar,
Advocate.

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

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

PRAYER :-

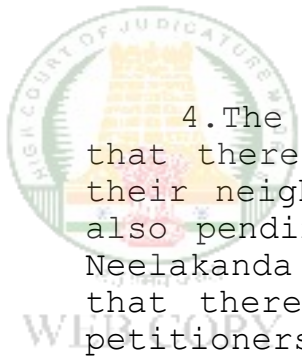
For Anticipatory Bail in Crime No.72 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 420, 468, 473 & 471 IPC, in Crime No.72 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein used the office seal of the de-facto complainant's construction company and sent a false complaint to various authorities by forging the signature of the defacto complainant. Hence, the complaint has been registered.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the



4.The learned counsel appearing for the petitioners submitted that there is a civil dispute between the petitioners' family and their neighbour one Neelakanda Pillai's family and a civil suit is also pending. The de-facto complainant is the close friend of the Neelakanda Pillai and he is also a surveyor. He further submitted that there is no proof that all the complaints were sent by the petitioners. Earlier, due to civil dispute, the de-facto complainant attacked the petitioners' father and the complaint has been registered against the defacto complainant in Crime No.157 of 2018. As a counter blast, the present complaint has been filed.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that this is a second anticipatory application and there is no change in circumstances to consider the present application. He further submitted that the petitioners said to have sent a false letters to the authorities in the name of defacto complainant and others and the investigation is still pending.

6.considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the records, as stated by the learned counsel for the petitioners, the petitioners said to have sent a false letters to the authorities in the name of de facto complainant and others, but nothing available on records to establish it, and a civil dispute is also pending. In the above circumstances, this Court is 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, Boothapandy, 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 daily at 10.30 a.m., until further orders;

(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;

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(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/-
24/09/2020

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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,
BOOTHAPANDY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10208 of 2020
Date : 24/09/2020

VSD
JM/VR/SAR IV/30.09.2020/3P/5C