



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10763 of 2020

Robert

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.377 of 2020

... Respondent/Complainant

For Petitioner : M/s.A.Mohamed Haneef,
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.377 of 2020 on the file of the Respondent Police.

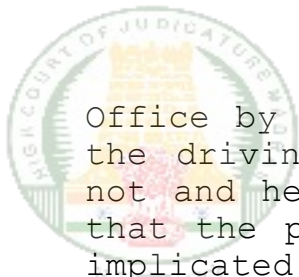
ORDER : The Court made the following order :-

The petitioner is the sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 465, 468, 471 and 420 of IPC, in Crime No.377 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.09.2020, while the defacto complainant inspecting the vehicles as usual, he found that the driving license of the petitioner/accused is fake one. Hence, the complaint.

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

4.The learned counsel appearing for the petitioner submitted that the petitioner obtained driving license through broker from RTO



Office by producing necessary documents and he was not aware about the driving license issued whether after verifying the records or not and hence, he used the same continuously. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seek anticipatory bail.

WEB COPY

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the defacto complainant found that the driving license of the petitioner is fake one and hence, the defacto complainant has also lodged a complaint against the accused and the same has been registered in Crime No.377 of 2020.

6.Considering the fact and circumstances of the case and considering the fact that the petitioner used driving license without knowledge whether it is fake one or not, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Court, Nanguneri, 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 and the sureties shall affix his 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 his identity;

(b)the petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of four weeks and thereafter as on when required for interrogation;

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

(d)the petitioner 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 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;



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

sd/-
05/10/2020

/ TRUE COPY /

WEB 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, NANGUNERI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-6795[I] dated
06/10/2020)

ORDER
IN
CRL OP(MD) No.10763 of 2020
Date :05/10/2020

MS/PN/SAR-3/07.10.2020/3P.6C