



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2020

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PRESENT

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

CRL OP(MD). No.11177 of 2020

Udayakumar ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
City Crime Branch, (CCB),
in Crime No.34/2019,
Madurai City, Madurai. ... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,
Advocate.

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

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

PRAYER :-

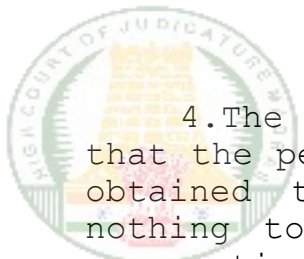
For an Anticipatory Bail in Crime No. 34 of 2019 on the file of the Respondent Police.

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 @ 465, 468, 471, 120 (b) and 420 of IPC, in Cr No.34/2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st accused is running a driving school in the name and style of 'Vinayaga Driving School'. He colluded with the officers of the Regional Transport Office, Madurai, forged the signature of the RTO and issued fake license to the various persons. 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 paid a sum of Rs.10,000/- to the 1st accused and obtained two wheeler license and therefore, the petitioner is nothing to do with the other accused persons as alleged by the prosecution. In fact, the petitioner is also one of the victim and he did not fabricate any signature or document. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seek anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the 1st accused running a driving school and utilizing the same he fabricated the fake license and issued the same to the various persons after receiving sufficient money with collusion of the officers of the Regional Transport Office, Madurai.

6. It is seen that the petitioner also paid a sum of Rs.10,000/- to obtain two wheeler driving license. On receipt of the same, the 1st accused issued license to the petitioner.

7.Considering the above facts and circumstances of the case, this Court is 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 -No.I, Madurai, 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 two 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

<https://hccivildocket.in/Pin/Kcse61nes> *Govindarajan P. In/ Kcse61nes* 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/-
12/10/2020

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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 NO.I,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, (CCB),
MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11177 of 2020
Date :12/10/2020

DSS
JM/PN/SAR III/15.10.2020/3P/5C