



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/10/2020

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PRESENT

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

CRL OP(MD) . No.10992 of 2020

1. Ashok Kumar
2. Senthil Athipathi @ Sivagaminathan
3. Paramaguru
4. Senthurpandian ... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by
The Inspector of Police,
Malli Police Station,
Virudhunagar District.
Crime No.213 of 2020. ... Respondent/Complainant

For Petitioners : M/s. M. Ganeshkamu,
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.213 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 to A-4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 167, 420, 465 & 468 of I.P.C., in Crime No.213 of 2020 on the file of the respondent police, seek/s anticipatory bail.

3. The case of the prosecution is that defacto complainant has leased out his house to the first accused utilisation and in such circumstances, A-1 has forged the signature of the defacto complainant and filed an supporting affidavit before the concerned authorities, namely, A-2 to A-6 and obtained electricity connection in the premises owned by the defacto complainant. Hence, the complaint.



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

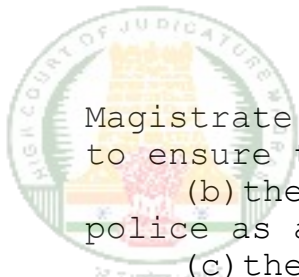
4. The learned counsel appearing for the petitioners submitted that the first petitioner is household right in the property belongs to the defacto complainant and he has also paid property tax in the said premises and obtained receipt from the concerned authorities and the same was produced before the Electricity Board and obtained an electricity connection. He further submitted that the first petitioner has never fabricated any of the document and never forged the signature of the defacto complainant. He further submitted that, insofar as the other petitioners A-2 to A-4 are concerned, they are nothing to do with the offence as alleged by the prosecution. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that, originally, the property belongs to the defacto complainant and leased out to the first petitioner herein and in this regard civil dispute is pending between the landlord and tenancy relationship and also the defacto complainant has filed a suit in O.S. No. 110 of 2019 before the learned Principal District Munsif, Srivilliputtur and the same is pending. He further submitted that the first petitioner herein has forged the signature of the defacto complainant and filed necessary documents before the concerned authorities and obtained electricity connection.

6. Considering the fact and circumstances of the case and considering the fact that the first petitioner herein/A-1 only forged the signature of the defacto complainant and filed necessary documents before the authorities concerned and based on the documents produced by the first petitioner herein, the electricity officials have provided electricity connection which is owned by the defacto complainant and hence, this Court is not inclined to grant bail to the first petitioner herein/A-1 and this Court is inclined to grant bail to the petitioner Nos.2 to 4 herein/A-2 to A-4 with certain conditions.

7. Accordingly, the Criminal Original Petition is partly allowed and the petition is dismissed as against the first petitioner/A-1 and the petitioner Nos.2 to 4 are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that the petitioner Nos.2 to 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioner Nos.2 to 4 and the sureties shall affix their 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 petitioner Nos.2 to 4 shall appear before the respondent police as and when required for interrogation;

(c) the petitioner Nos.2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner Nos.2 to 4 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 Nos.2 to 4 in accordance with law as if the conditions have been imposed and the petitioner Nos.2 to 4 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 Nos.2 to 4 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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 NO.II, SRIVILLIPUTHUR.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3.THE INSPECTOR OF POLICE,
MALLI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.GANESH KAMU, Advocate (SR-6924[I] dated 12/10/2020)

ORDER IN

CRL OP(MD) No.10992 of 2020

Date :08/10/2020

KSA

<https://hccs.ecgovernance.gov.in/services> (4.10.2020) 3P 6C