



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

Date : 19/11/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) .No.13097 of 2020

Manoj

...Petitioner/Accused No.5

Vs

The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
In Crime No.54 of 2020

... Respondent/Complainant

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s.APN Law Associates

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

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

PRAYER :-

For Anticipatory Bail in Crime No.54 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A5, apprehending arrest at the hands of the respondent police for the offence punishable under sections 465, 468, 471 and 420 IPC, in Crime No.54 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the case was registered on the basis of complaint given by the Chief Education Officer of Ramanathapuram District against one D.Rajesh stating that he joined duty as Junior Assistant in the Government Higher Secondary School at Sikkal in Ramanathapuram District on 23.09.2020. But on verifying the authenticity of the said document it was found to be forged. On the basis of the said complaint a case in Crime No.54 of 2020 was registered by the respondent and on arrest of Rajesh, his confession was recorded and based on his confession this petitioner herein was arrested and a case was registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not involve any offence as alleged by the defacto complainant.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police strongly opposed to grant anticipatory bail to the petitioner on the ground stating that the knowing the fact that it is a fake appointment order the petitioner herein joined service.

5.In view of the fact that the petitioner has not prepared the fake appointment order and he paid to money to the officials of the Chief Education Officer and received appointment order. At this stage, the learned Government Advocate is unable to ascertain but clear motive in this regard. There are many other possibilities with reference to the facts and circumstances of the case which are to be investigated by the police and more so the involvement of the petitioner regarding the preparation of the fake appointment order is also to be investigated.

6.Under these circumstances, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 his Aadhar card or Bank pass Book to ensure his identity;

(b)the petitioner shall report before the respondent police daily morning at 10.00 a.m., without fail, for a period of four weeks and thereafter as and 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/11/2020

WEB COPY

/ 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, RAMANATHAPURAM
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13097 of 2020
Date : 19/11/2020

VSD
PK/JC/SAR-II/24.11.2020 : 3P/5C