

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5023 of 2021

S.NATARAJAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
DCB, POLICE STATION,
DHARMAPURI DISTRICT
(FIR NO.3/2019)

For Petitioner : M/S.C. PALANISAMY Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 201, 205, 419, 465, 468, 420 of I.P.C. in Cr.No.3 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that Al Govindasamy impersonated his brother Krishnan and joined Military Service. The said Krishnan was involved in a murder case and subsequently committed suicide. The law enforcing agency traced Al who was in military service in the name of Krishnan. Hence confusion arose and to clarify the said confusion, finger prints were taken and later it was found that original Krishnan passed away. The petitioner is the Investigating Officer who took finger print.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence and that he has been falsely implicated in this case. He would further submit that the co-accused was already enlarged on bail in CrI.O.P.No.32278 of 2019.

4.Heard the submissions made by the learned Additional Public Prosecutor.

5.Considering the fact that the co-accused has already been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dharmapuri, 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 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 their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
DCB, POLICE STATION,
DHARMAPURI DISTRICT

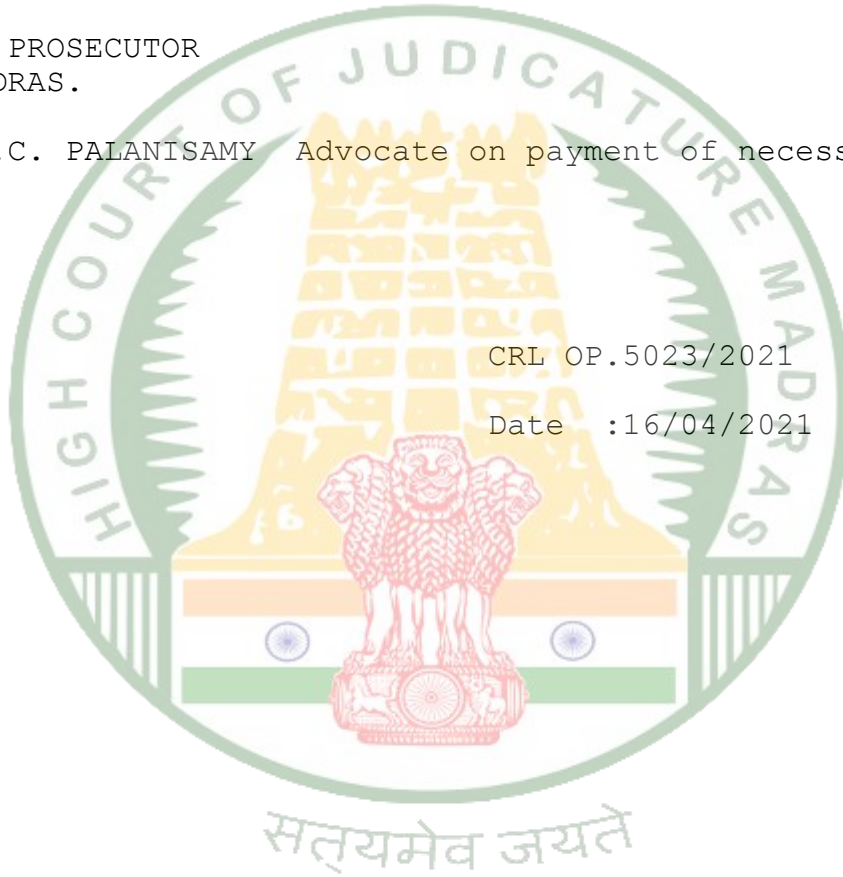
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C. PALANISAMY Advocate on payment of necessary
charges

CRL OP.5023/2021

Date :16/04/2021

RVR 06/05/2021



WEB COPY