

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7777 of 2021

C.MARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DCB POLICE STATION,
DHARMAPURI DISTRICT.
FIR NO.3/2019.

[RESPONDENT]

For Petitioner : M/S.C. PALANISAMY Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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 punishable under Sections 201, 205, 419, 465, 468 and 420 of IPC in Crime No.3 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner colluded with other accused persons had issued a death certificate for a wrong person. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner was working as Tahsildar, Pappirettipatti, Dharmapuri District and one Balu applied for the death certificate of his brother, who died on 28.07.2012. The petitioner only forwarded the application to the Divisional Revenue Inspector and thereafter based on the RI and VAO report, the death certificate was issued. He has not committed any offence as alleged by the prosecution. He further submitted that already the co-accused were granted

anticipatory bail by this Court in CrI.O.P.No.32278 of 2019 and in CrI.O.P.No.5023 of 2020. Hence, he sought for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.side) appearing for the respondent police submitted that no previous case is pending against the petitioner and also admitted the fact that the co-accused in this case have been granted anticipatory bail.

5.Taking into consideration the facts and circumstances of the case and also the fact that the co-accused in this case were granted anticipatory 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. for a period of two 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
26/04/2021

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.7777/2021

Date :26/04/2021

WEB COPY

MN-05/07/2021