



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17275 of 2021

RAJA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
TH INSPECTOR OF POLICE,
R-9, VALASARAVAKKAM POLICE STATION,
CHENNAI
(CRIME NO.721/2021)

[RESPONDENT]

For Petitioner : M/S C.PRABAKARAN Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

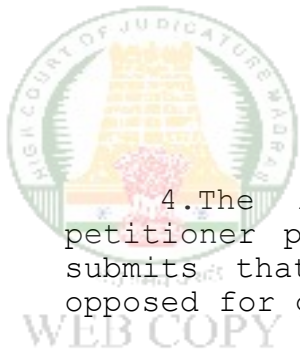
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 464, 468 and 471 of IPC in Cr.No.721 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was commercial dispute between the petitioner and the defacto complainant for which the defacto complainant lodged a complaint against the petitioner. In order to succeed the case, petitioner prepared a bogus CSR as it was issued by the respondent police to be used before the trial Court. On coming to know that it was a forged CSR, the defacto complainant lodged a complaint before the law enforcing agency resulting in the registration of the present case.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the CSR produced before the trial Court is genuine one. In fact, the defacto complainant stolen the check for which the petitioner filed a complaint before the law enforcing agency. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl side) submits that petitioner produced forged CSR before the trial Court. He further submits that the investigation is pending. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Though it is the case of the prosecution that the petitioner prepared a bogus CSR in order to succeed in the case, however, the said issue is a matter for investigation and investigation is under way. There being no apprehension relating to the petitioner tampering with the witness, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 Court No-I, Poonamallee, 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 anticipatory 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.

WEB COPY

-sd/-

20/09/2021

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,
COURT NO.I, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
R-9, VALASARAVAKKAM POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.PRABAKARAN Advocate on payment of necessary charges SR.No.10313

CRL OP.17275/2021

Date :20/09/2021

APN 27/09/2021