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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24703 of 2021

B.Rajendran

... Petitioner

Vs.

State represented by
Inspector of Police
Kolathur Police Station,
Salem District-636303.
Crime No.421 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to order the petitioner on bail in the event of his arrest by the respondent police in FIR No.421 dated 25.11.2021 on the file of the Inspector of Police, Kolathur Police Station, Salem District.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 466, 468 and 471 of IPC in Crime No.421 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has applied the community certificate before the Tahsildar, Mettur Dam, based on which, he was issued a Konda Reddy Community Certificate in the year 1977. Likewise, the petitioner's son applied for Community Certificate in the year 2015, at that time, the Revenue Authorities found that the community certificate issued in favour of the petitioner was found to be a fake one and has been obtained by giving false representation. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that while obtaining his community certificate in the year 1977, the petitioner has produced the correct materials and documents and got the said certificate. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the he admits that the community certificate issued to the petitioner in the year 1977. He further submits that no community certificate was issued to his son till date.

5. Considering the submissions made by both counsel and also considering the age of the petitioner and his ailments, 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- I, Mettur 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 on every Tuesday and Saturday at 10.30 a.m., until further orders and the petitioner shall cooperate with the enquiry conducted by the revenue officials ;

(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 has been imposed and the petitioner is 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.

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-sd/-
17/12/2021

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,
METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT-636303.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S N.NAGANATHAN Advocate on payment of necessary charges SR.NO.15109

CRL OP.24703/2021

Date :17/12/2021

RW 29/12/2021