



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

Date : 18/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.451 of 2021

Raja @ Rajan

... Petitioner/Accused NO.4

Vs

The State Rep.by,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.16 of 2020)

... Respondent/Complainant

For Petitioner : Mr.Haroon Rasheed.D.S,Advocate.

For Respondent : Mr.R.Srinivasan,Government Advocate (Crl.Side)

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

PRAYER :-

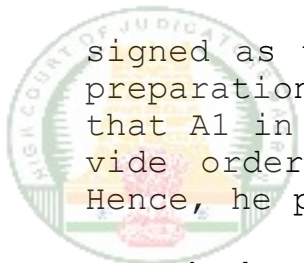
For Anticipatory Bail in Crime No.16 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 120(b),
406, 420, 465, 466, 467, 468, 471 and 472 IPC in Crime No.16 of 2020
on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Sub Registrar of
Kommadikottai had lodged a complaint, based on the direction of this
Court in W.P.(MD)No.9665 of 2020, dated 21.09.2020, stating that
while he was working in Sathankulam Sub Registrar, on 09.10.2019, A1
submitted a document for registration and a check slip has also been
given. Since there was some delay in registration, A1 filed a
petition in W.P.(MD)No.9665 of 2020 before this Court. During the
proceedings, the check slip and the document were produced and the
same were found forged one. The signature available in the check
slip was not that of the defacto complainant and further the slip is
not in the usual format. Therefore, it was found that A1 in this
case had prepared a forged Will dated 02.12.2016 and based on which,
the settlement deed was prepared during the year 2019, in which, the
petitioner and other accused had signed as witnesses. Thus, all the
accused had conspired in creating forged document and presenting the
same before the Authorities and thereby committed the offence of
conspiracy, forgery, cheating and misappropriation.

3.The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent person and he has not committed
any offence as alleged by the prosecution and he has been falsely
implicated in this case. He further submitted that the petitioner
is only a witness to the document and he has not conspired with
other accused. The petitioner on the request of his friend, had



signed as witness, other than that, he had not participated in the preparation of the creation of any document. He also submitted that A1 in this case was arrested and released on bail by this Court vide order dated 24.09.2020 made in CrI.O.P.(MD)No.9665 of 2020. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI. Side), appearing for the respondent police submitted that the case came to be registered based on the direction given by this Court in W.P.(MD)No.9665 of 2020. A1 in this case, conspired with other accused in creating forged Will and based on the same, settlement deed has been created and check slip has also been prepared and the same was produced before this Court. On perusal of the same, it was found that check slip is not genuine one. He further submitted that investigation in this case is in initial stage and hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the petitioner is only a witness to the document and he is not a party to the documents.

6.Considering the above facts and circumstances of the case and considering the fact that the co-accused was arrested and released on bail, 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 Judicial Magistrate No.IV, Thoothukudi, 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall appear 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/01/2021

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/ /2021

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 NO.IV, THOOTHUKUDI
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.451 of 2021

Date :18/01/2021

gns

sma/JC/25/01/2021/SAR-3/3P/5C