



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3061 of 2021

Muthukumar

... Petitioner/Accused Rank Unknown

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Pudukkottai.

Crime No. 18 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Deepak,
Advocate.

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

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

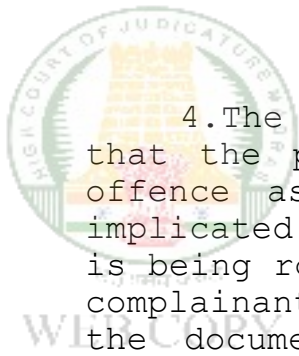
PRAYER :- For Anticipatory Bail in crime No.18 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 419, 420, 465, 468 and 471 of I.P.C., on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused has created the fraudulent document of the defacto complainant and committed fraud by registering the document of the defacto complainant. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner and others.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent 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 being roped for dispute between the first accused and the defacto complainant and the petitioner herein is only signed as witness in the document and there is no averment in the F.I.R about the petitioner. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that co-accused (A1, A2 and A6) in this case were already granted anticipatory bail in Crl.M.P.No.3827 of 2020, dated 14.10.2020, Crl.M.P.No.4125 of 2020, dated 20.11.2020, and Crl.M.P.No.282 of 2021, dated 01.03.2021, by the lower Court respectively.

6.Considering the facts and circumstances of the case and also considering the fact that this petitioner herein is only signed as witness in the document and co-accused in this case were already granted anticipatory bail by the lower Court, 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 learned Judicial Magistrate No.2, Pudukottai, 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 petitioner 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 report before the respondent police 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.

WEB COPY

sd/-
26/03/2021

/ TRUE COPY /

/ /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.2,
PUDUKOTTAI
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3061 of 2021
Date :26/03/2021

Ls
AE/JC/ (31/03/2021) 3P / 5C