



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

Date : 08/06/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.6533 of 2021

1. M.Thangavel
2. V.Gopalsamy
3. K.Lakshmanan
4. A.Saravanan

... Petitioners/ Accused No.1 to 3

Vs

State represented by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(In Crime No.8/2021)

... Respondent/ Complainant

Parimalam

... Intervene Petitioner/Defacto Complainant
IN CRL MP(MD)No.3719 OF 2021
IN CRL OP(MD)No.6533 of 2021

For Petitioners: Mr.S.Raja, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Counsel (Crl.Side)

For Intervenor : Mr.T.Lenin Kumar, Advocate

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

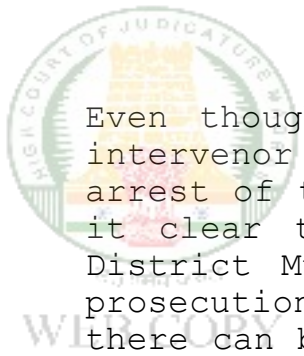
PRAYER :- For Anticipatory Bail in Crime No.8/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel on either side including Mr.T.Lenin Kumar, counsel for the intervenor.

2.The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 34, 420, 465, 467, 468, 471, 474 and 506 (i) of IPC in Crime No.8 of 2021 on the file of the respondent police and seek anticipatory bail.

3.The learned counsel for the intervenor placed materials, which apparently indicate the commission of offence for forgery.



Even though a strong opposition was made by the counsel for the intervenor against grant of bail to the petitioners, I felt that the arrest of the petitioners is not going to serve any purpose. I make it clear that pendency of O.S.No.27 of 2019 on the file of the District Munsif Court, Palani cannot lead to any closure of this prosecution. It is well settled that on the same cause of action, there can be a civil proceeding as well as the criminal case. If in the investigation, it is concluded that forgery has been committed, then the respondent is bound to file the final report accordingly.

4.Taking note of the oral facts and circumstances of the case, even while granting anticipatory bail to the petitioners, I direct the Investigation Officer to conclude the investigation and file a final report within a period of six months from today. I am of the view that granting direction to conclude the investigation would meet the ends of justice.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate II, Dindigul District and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners shall report before the respondent police as and when required for interrogation;

[c]the petitioners shall not abscond either during investigation or trial;

[d]the petitioners shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/06/2021

/ TRUE COPY /

WEB 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.II, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6533 of 2021
Date :08/06/2021

MM

MS/MNR/SAR-3/11.06.2021/3P.5C