



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

Date : 01/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11456 of 2021

1. BEVIN
2. MOHAN
3. JEGAN
4. KELIN

... PETITIONERS / PETITIONERS /
ACCUSED 1 TO 4

VS

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.417/2021)

... RESPONDENT/RESPONDENT/COMPLAINANT

For Petitioners : Mr.C.Arulvadivel @ Sekar,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.417 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 466, 468, 471 of I.P.C in Crime No.417 of 2021, seek anticipatory bail.

2. This is the second anticipatory bail application and the earlier anticipatory bail application filed by them in Crl.OP(MD) No.9560 of 2021 was dismissed by this Court on 26.07.2021 on the ground that investigation is in the preliminary stage and that the petitioners have not produced any material to show that permanent electricity connection was given and property tax was assessed in their names.



3. The case of the prosecution is that the petitioners are the owners of the commercial complex in Survey ward-4, Block No.10, S.No.419, Plot No.2 at Kiruns Road near Periyar Statue in Karaikudi. The construction of the commercial building was completed and the petitioners produced the completion certificate dated 02.03.2021 with a signature of the Town Planning Inspector concerned for getting electricity connection. But, the said completion certificate dated 02.03.2021 was made by forging the signature of Town Planning Inspector. Therefore, this case came to be registered.

4. Mr.Arulvadivel @ sekar, learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The construction work was entrusted with a private engineer, on the supervision of one Balasubramanian. After the completion of the construction work, the Corporation Authorities have inspected the premises and assessed the property. The property tax was also collected from the petitioners from 03.02.2021. Since the Town Panchayat Officer has demanded bribe for furnishing the certificate for the commercial building, the contractor, without the knowledge of these petitioners, has committed the offence and obtained the electricity service connection by producing some documents.

5. The learned Government Advocate (Crl.Side) would submit that on the complaint of the Town Planning Officer, the case has been registered and the same is under investigation.

6. The learned counsel for the petitioners further submits that there is no bad antecedent as against the petitioners. He would further submits that they are the owners of the property and they are reputed businessmen in that area. The learned counsel has also produced the property tax receipts for the year 2020-21.

7. The fact remains that these petitioners are the owners of the commercial complex constructed in Survey ward-4, Block No.10, S.No.419, Plot No.2 at Kiruns Road near Periyar Statue in Karaikudi. The property tax has been assessed after the completion of the work as early as in the month of February, 2021. The property tax was also collected from the petitioners on 03.02.2021. But, it appears, the completion certificate has not been furnished to the petitioners and it is the stand of the petitioners that contractor obtained the same without their knowledge.

8.Considering the overall facts and circumstances of the case and the nature of allegation made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



9. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioners 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/09/2021

/ 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,
KARAIKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11456 of 2021
Date :01/09/2021

USK/SKN/SAR-I/ (01.10.2021) 4P-5C