



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.09.2021

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PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11899 of 2021

Dr.C.Thiruvetripathi ... Petitioner/Accused No.2.

Vs

State Rep. by
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No.66/2021). ... Respondent/Complainant

For petitioner : Mr.N.Dilip Kumar
Advocate.

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

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

PRAYER :-

For Anticipatory Bail Crime No.66 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No. 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 468 of I.P.C, in Crime No.66 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the informant's father Mariappan died intestate on 24.05.2020; a life certificate was obtained from the petitioner dated 11.01.2021, as if Mariappan was alive. The informant claims that he had been introduced to the 1st accused, Thangaraj an advocate through his sister's brother-in-law, to whom he gave documents for mutation of names, even during the life time of his father and the same had been misused. It is not the case of the informant that any further wrongful act was committed with the aid of the allegedly false life certificate or he



3.The learned counsel for the petitioner submitted that he is a Doctor by profession and he is having a private clinic in the name of Vetri clinic at Rajapalayam, Big Bazaar. In the course of his professional practice, he had earlier issued life certificate to Tmt.Gurubackiyalakshmi and Tmt.Pandieswari on 24.09.2020. It seems that the husband of Pandieswari, Shri. Muthuvel had engaged the 1st accused, Advocate Thangaraj for his legal work. Thangaraj is stated to have handled several cases for Muthuvel as his advocate and they had developed some issues among themselves. Tmt.Pandieswari has now filed a complaint registered in Cr.No.142 of 2021 for offences under Sections 467, 471, 406 and 420 of IPC on the file of Rajapalayam North Police Station against Advocate Thangaraj and others.

4.Mr.N.Dilip Kumar, learned counsel for the petitioner submits that trusting the person who has approached him, he issued the certificate in careless manner. He realised his mistake and is also ready to co-operate for the investigation. He would further submit that the petitioner discharged his profession by treating several poor patients and also doing charity works. However, he regret for the mistake committed on aforesaid.

5.Heard the learned Government Advocate (Crl. Side).

6.Considering the rival submissions, the position of the petitioner and the manner in which the life certificate has been obtained from him, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

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

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m.

(c)the petitioner shall not tamper with the 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



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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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01/09/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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, Rajapalayam.
2. Do Through
The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputtur.
3. The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-5907[I] dated 02/09/2021)

ORDER IN
CRL OP(MD) No.11899 of 2021
Date : 01.09.2021

TR/SKN/SAR-II(14.09.2021) 3P 6C