



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

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.12198 of 2021

WEB COPY

1.M.L.Mohamed Anees

2.A.Aiyub ... Petitioners/Accused Rank Not Known

Vs.

The State Rep.by
The Inspector of Police,
Illupur Police Station,
Illupur,
Pudukottai District.
(Cr.No.372 of 2021)

... Respondent/Complainant

For Petitioners: Mr.Robinson.A,

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

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

PRAYER :-

For Anticipatory Bail in Crime No.372 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 417 and 465 IPC, in Crime No.372 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the Sub Inspector of Police, Nagudi Police Station has received a letter from the Sub Registrar, Kinathukadavu to verify the genuineness of Non Traceable Certificate said to have been issued to one Sangeetha by the Nagudi Police Station and it was found to be bogus and after knowing the same, the Sub Inspector of Police, Nagudi Police Station had lodged a complainant against the unknown persons. Hence, the case has been registered.



3.The learned counsel for the petitioners submitted that the petitioners are practicing Advocates and they are also doing drafting works and used to present documents on behalf of their clients and it is further submitted that one Sangeetha of Kinathukidavu approached them to execute settlement deed in favour of her husband and Sangeetha informed them that she has lost original document. Hence, the first petitioner has approached one Senthilkumar of Pudukottai to get Non Traceable Certificate through him and the first petitioner has got the NOC and presented the document before the Sub Registrar Office of Kinathukadavu. Except this, the petitioners did not commit any offence as alleged by the prosecution. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side), on instructions, submitted that the petitioners have created forged Non Traceable Certificate with the help of another Advocate. He further submitted that apart from this case, these petitioners involved in another offence also.

5.Considering the facts and circumstances of the case and also the fact that these petitioners are practising Advocates and that they are also members of the Bar in Coimbatore, this Court is inclined to grant anticipatory bail to the petitioners.

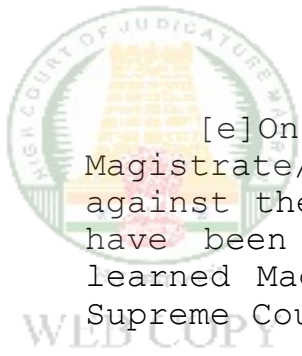
6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Illupur, Pudukottai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 daily at 10.30 a.m. until further orders;

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/10/2021

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

vsd

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, Illupur,
Pudukottai District.
- 2.-DO- Through The Chief Judicial Magistrate,
Pudukottai District.
- 3.The Inspector of Police,
Illupur Police Station,
Illupur, Pudukottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.ROBINSON, Advocate (SR-7628[I] dated 28/10/2021)

ORDER
IN
CRL OP(MD) No.12198 of 2021
Date :27/10/2021