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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11672 of 2022

S.NALLATHAMBI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
TAMBARAM.
CRIME NO.7/2022.

[RESPONDENT]

For Petitioner : M/S.G.MOHAMMED ASEEF Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 420, 465, 467, 468, 471 and 34 IPC in Cr.No. 7 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the A1 is working as Sanitary Officer in Tambaram Corporation and he has made a forgery file regarding secondary transport of garbage in R.O.C. No.1456/2020/H1 and affixed the signature of the then Commissioner, Tmt. S. Chitra and on the suspicion of the aforesaid offence, he was placed under suspension by the Director of Municipal Administration, Chennai by order dated 31.12.2021 in ROC No.33968/01/2021 for the aforesaid offence. Hence this Complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the petitioner along with A1 are said to have affixed the signature of the then Commissioner, Tmt. S.Chitra and made a forgery file regarding secondary transport of garbage. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Tambaram 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., and thereafter, 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE
NO.I TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP BY
THE INSPECTOR OF POLICE, TAMBARAM POLICE
STATION, TAMBARAM. CRIME NO.7/2022.

+1 CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary charges SR.No. 7438

CRL OP.11672/2022

Date :19/05/2022

SP(20/05/2022)